INITIAL STUDY

Martha Gardens Specific Plan

GP03-03-014

City of San José

October 2003

TABLE OF CONTENTS

FIGURES

TABLES

I. INTRODUCTION AND PURPOSE

This Initial Study of environmental impacts is being prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et.seq.) and the regulations and policies of the City of San José. In accordance with CEQA, an Initial Study (IS) provides objective information regarding the environmental consequences of the proposed project, both to the decision makers who will be considering and reviewing the proposed project, and to the general public.

This document provides a program level environmental review appropriate for the adoption of the proposed amendment to the *San José 2020 General Plan*. Since this is a program level Initial Study, the "project" evaluated in the report does not propose or include any specific development. The analysis in this Initial Study evaluates the basic suitability of the proposed land use designation change at a policy level.

This IS evaluates the potential environmental impacts that might reasonably be anticipated to result from the adoption of the Martha Gardens Planned Community (MGPC) as an amendment to the General Plan, and the adoption of the Martha Gardens Specific Plan (MGSP Sept. 2003)[1] as a supporting policy document. The 145-acre Martha Gardens area is bounded by Interstate 280 on the north, mid-block between Sixth Street and Seventh Street to the east, Hollywood Street and Humboldt Street to the south, and First Street to the west in the City of San José. The MGSP is located within the Spartan/Keyes Strong Neighborhood Initiative Area and is within a redevelopment project area, adopted pursuant to the Community Redevelopment Law (Health & Safety Code § 33000 et seq.).

The General Plan amendments would facilitate the creation of a new neighborhood with a unique arts focus that will included a lively mix of residential, commercial, recreation, education and art uses; safe and pleasant pedestrian environments; parks and community facilities; and preserved historic buildings. The Plan is projected to allow for approximately 1,900 residential units (but may result in as few as 1,377 units and as many as 2,672 units), approximately 475,000 square feet of commercial uses (but may result in as few as 240,814 square feet and as many as 708,305 square feet), approximately 250,000 square feet of light industrial uses (but may result in as few as 132,205 square feet and as many as 349,133 square feet), three parks and a community facility (approximately 9 acres), various street and circulation modifications to improve pedestrian, bicycle and vehicle circulation, traffic calming measures to enhance the livability of the public streets and the creation of an arts-oriented district.

Background

The Martha Gardens area is located immediately south of Downtown San José and north of the Monterey Corridor, an important industrial area. The Martha Gardens area is bordered on the west by the Washington/Guadalupe Neighborhood, and is part of the Spartan Keyes Neighborhood which also includes the area east of the MGSP boundaries. Because of Martha Gardens' proximity to Downtown San José and major, existing and future transportation systems, it has long been expected that the area would eventually develop and redevelop with uses related to the Downtown and other job centers. In response to the ongoing regional need for housing, the *San José 2020 General Plan* and prior General Plans have assumed that high density residential development would be the most

[1] Copies of the draft MGSP and all other source documents referred to in this Initial Study are available in the Planning Division office during normal business hours.

appropriate use for this area. Most of the area therefore has been planned for very high density housing under the Residential Support for the Core (25+ DU/AC) designation since 1980.
The overall purpose of the Martha Gardens Specific Plan process was to re-examine this area of San José and to explore options for land use and other refinements that would help the area become a lively, cohesive community. The objectives of the City of San José for the proposed MGSP project are as follows:

- Preserve enclaves of existing single family residential development.
  - Existing single family blocks should be preserved and incorporated into the new planned community.
  - Any new development on these blocks should be consistent with existing development.
  - The quality of life for these blocks should be enhanced through the development of new community facilities and new neighborhood connectors.
  - Neighborhood connectors such as new pedestrian routes and park sites should be used to draw together neighborhood blocks that are currently isolated.

- Provide for residential infill and intensification that reinforces a sense of neighborhood.
  - The Plan encourages the redevelopment of much of the area with high density housing that is urban in character. A major purpose of the Plan, however, is to achieve this level of density in a manner that fosters a sense of community.
  - New development and infrastructure in Martha Gardens should be designed to encourage community members to interact with each other, by ensuring: pleasant pedestrian environments to encourage people to walk instead of drive; walkable neighborhood destinations such as commercial, service and arts related uses; parks and a community center; and education facilities, perhaps including a school.
  - New housing should be designed to orient toward streets, providing additional connections to the public environment and the community.

- Promote viable reuse of historic buildings.
  - Most, or all, of the large existing collection of early and mid-20th Century historic buildings should be preserved and incorporated into the redeveloped area, to imbue the new and surrounding communities with a unique character.
  - Historic buildings should be reused for uses and activities consistent with their historic character.
  - Some of the elements of architectural character should be borrowed from these buildings and applied to the design of new buildings.

- Provide for the preservation and enhancement of the existing arts community.
  - The existing arts community should be encouraged to stay and expand within the Martha Gardens area because much can be gained for this specific area, for the City as a whole, and for the artists themselves.
  - The Martha Gardens area should become a kind of incubator for a growing and enriching arts community which will reach out to the surrounding community.
  - Arts groups, including those affiliated with San José State University, should be encouraged to provide various kinds of arts programs for neighborhood residents, particularly children.

- Encourage existing viable uses and businesses to remain.
  - Those long term successful businesses and other uses that could make important contributions to the development of a lively mixed use neighborhood are encouraged to become part of the new community.

- Both existing and new businesses should be compatible with the character of surrounding Plan uses.

- Encourage neighborhood serving commercial services.
  - Because nearly all of the existing businesses in the Plan area are regional rather than neighborhood oriented, new neighborhood oriented commercial uses, such as dry cleaners, coffee shops, pharmacies, florists, etc., are strongly encouraged.
  - Neighborhood oriented retail uses should be provided in both freestanding and mixed use configurations.

- Reinforce the existing grid system as a network of pedestrian serving streets.
  - Strengthen the existing grid to maximize local circulation opportunities, to minimize trip lengths, to dilute traffic impacts throughout the area, and to create a very porous walkable neighborhood.
  - This circulation objective should be resolutely implemented to achieve a safe and lively public environment for area residents.
  - In order to restructure the street system as a classic pedestrian oriented network, any outside or cut-through traffic should be strongly discouraged.

- Use traffic calming techniques to moderate potential traffic volumes and speeds and to help create a highly walkable Martha Gardens community.
  - Traffic calming techniques should be used to reduce or eliminate the appeal of Plan area streets to passthrough drivers.
  - Traffic calming techniques should also be used to discourage the new high density residential traffic from impacting adjacent neighborhood streets.
  - Streets and traffic calming devices should be designed to emphasize pedestrian and bicycle circulation.

- Provide one or more significant public open spaces to serve existing and future residents.
  - Acquire and develop park land to serve Martha Gardens and adjacent neighborhoods, areas that historically have been significantly under served by parks and open space, a deficiency that is keenly felt by current residents.
  - New park projects should reflect the locations, sizes and features of the two neighborhood parks outlined in this Plan.
  - If ultimate population growth in Martha Gardens exceeds expectations, opportunities for additional open space should be explored, for example, on a school site should a new school become a reality within or near Martha Gardens.
  - Implement plans for the proposed Coyote Creek Trail to serve Martha Gardens and surrounding communities.

II. PROJECT INFORMATION

A. PROJECT TITLE

Martha Gardens Specific Plan Project

B. PROJECT LOCATION

The Martha Gardens Specific Plan (MGSP) covers an area of about 145 acres bounded by Interstate 280 on the north, a line running mid-block between South Sixth Street and Seventh Street to the east, Hollywood Street and Humboldt Street to the south, and South First Street to the west, (refer to Figures 1-3). The MGSP is located within the Spartan/Keyes Strong Neighborhood Initiative Area and is within a redevelopment project area, adopted pursuant to the Community Redevelopment Law (Health & Safety Code § 33000 et seq.).

C. LEAD AGENCY NAME AND ADDRESS

City of San José
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, CA 95110

D. CONTACT PERSON AND TELEPHONE NUMBER

Britta Buys, Department of Planning Building and Code Enforcement (408) 277-4576
Susan Walsh, Department of Planning Building and Code Enforcement (408) 277-8536

E. PROPERTY OWNER'S NAME AND ADDRESS

Due to the large number of property owners, this information is not included in this document.

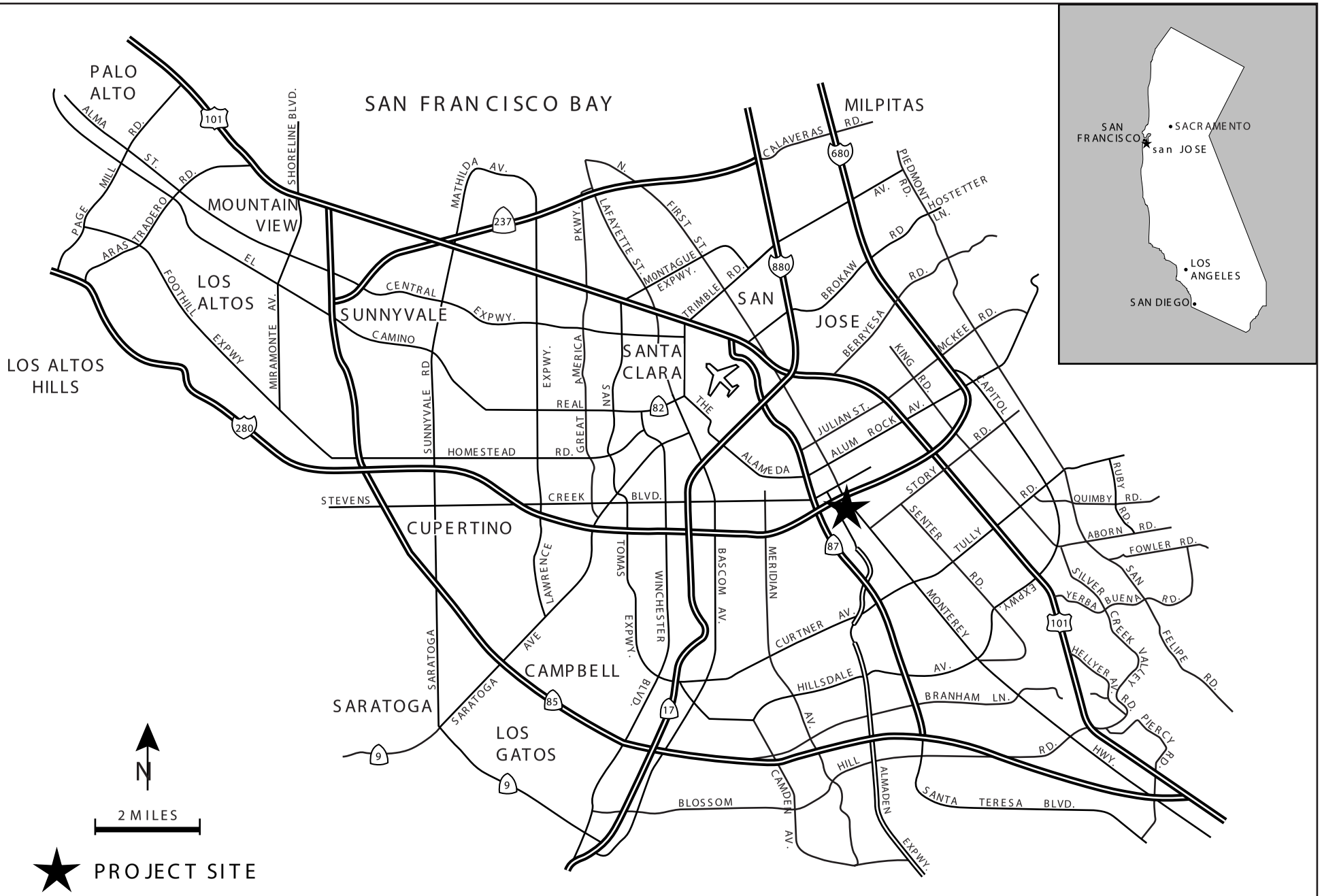
F. ASSESSOR'S PARCEL NUMBERS

Due to the large number of assessor's parcel numbers, this information is not included in this document.

G. ZONING DISTRICTS AND GENERAL PLAN DESIGNATIONS

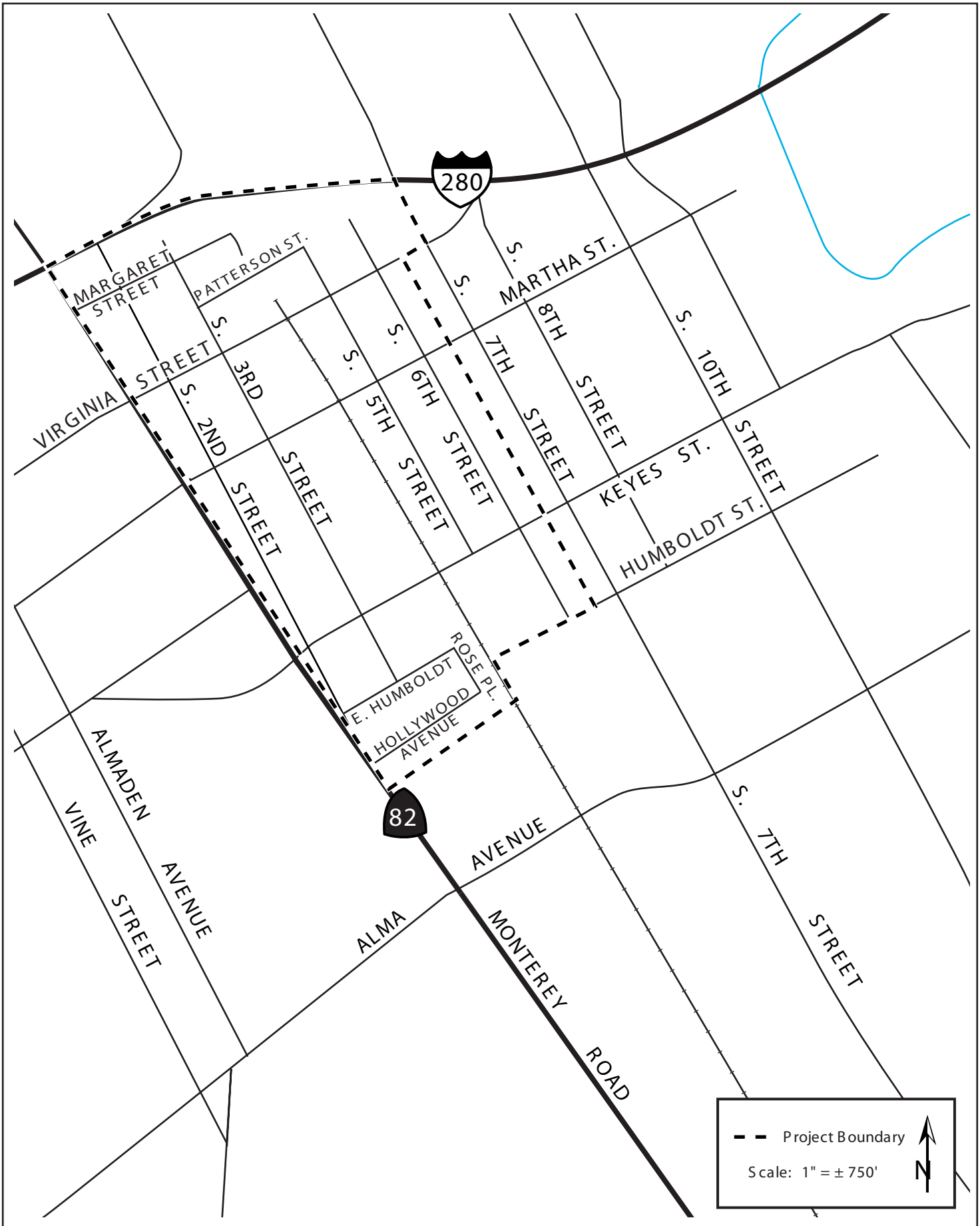
Zoning Districts found within the Martha Gardens area include: Light Industrial LI; Commercial Neighborhood (CN); Commercial General (CG); Commercial Pedestrian (CP); Heavy Industrial (HI); Two-Family Residential (R-2); Multi-Family Residential (R-M), and Planned Development [A(PD)] (see Figure 8).

Existing General Plan Designations found within the Martha Gardens area include: Residential Support for the Core (25+ DU/AC); Medium High Density Residential (12-25 DU/AC); Medium Density Residential (8-16 DU/AC); Medium Low Density Residential (8 DU/AC); General Commercial; Light Industrial; and Heavy Industrial (see Figure 7). The MGSP is located within the Spartan/Keyes Strong Neighborhood Initiative Area and is within a redevelopment project area, adopted pursuant to the Community Redevelopment Law (Health & Safety Code § 33000 et seq.).



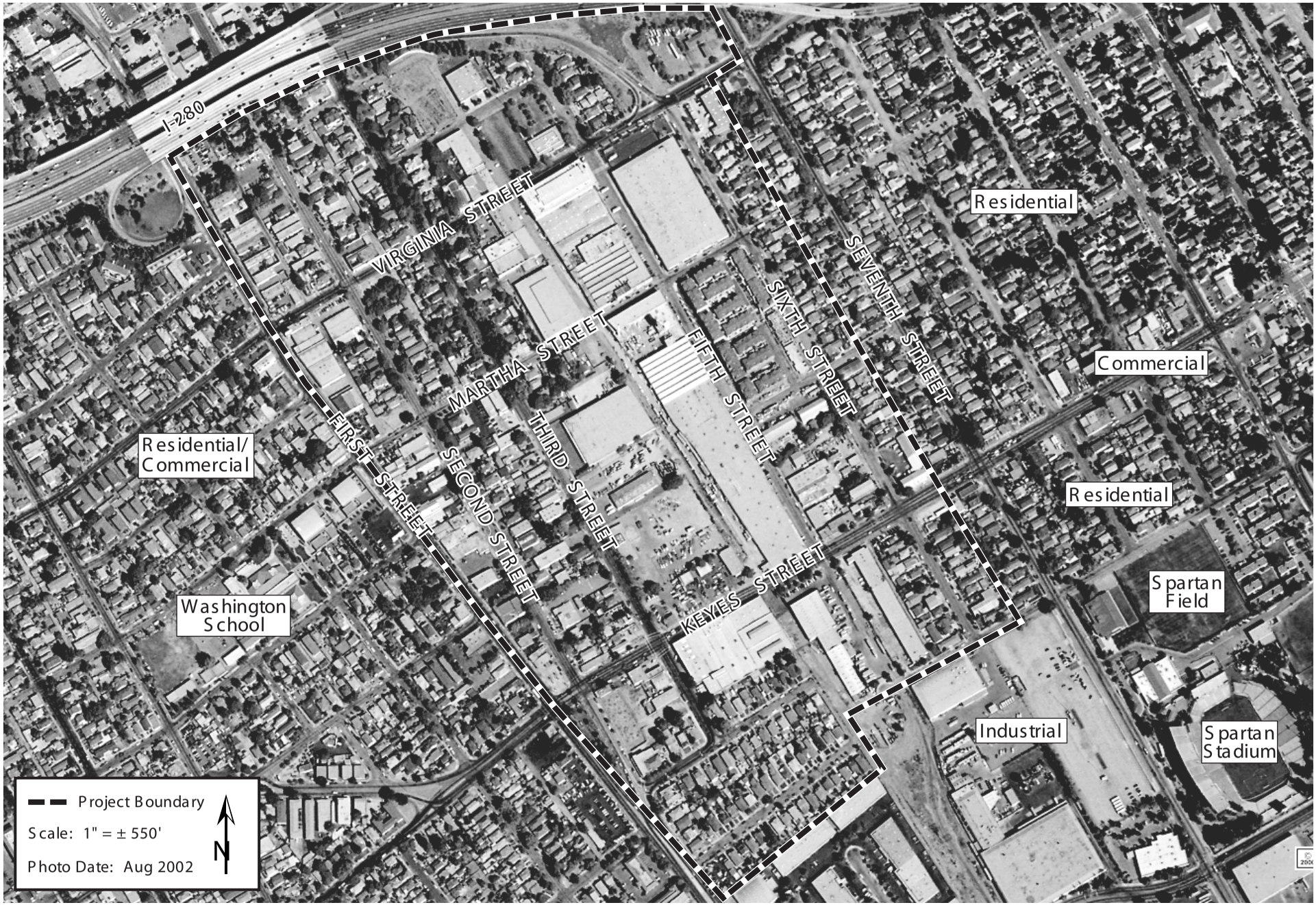
REGIONAL MAP

FIGURE 1



VICINITY MAP

FIGURE 2



AERIAL PHOTOGRAPH

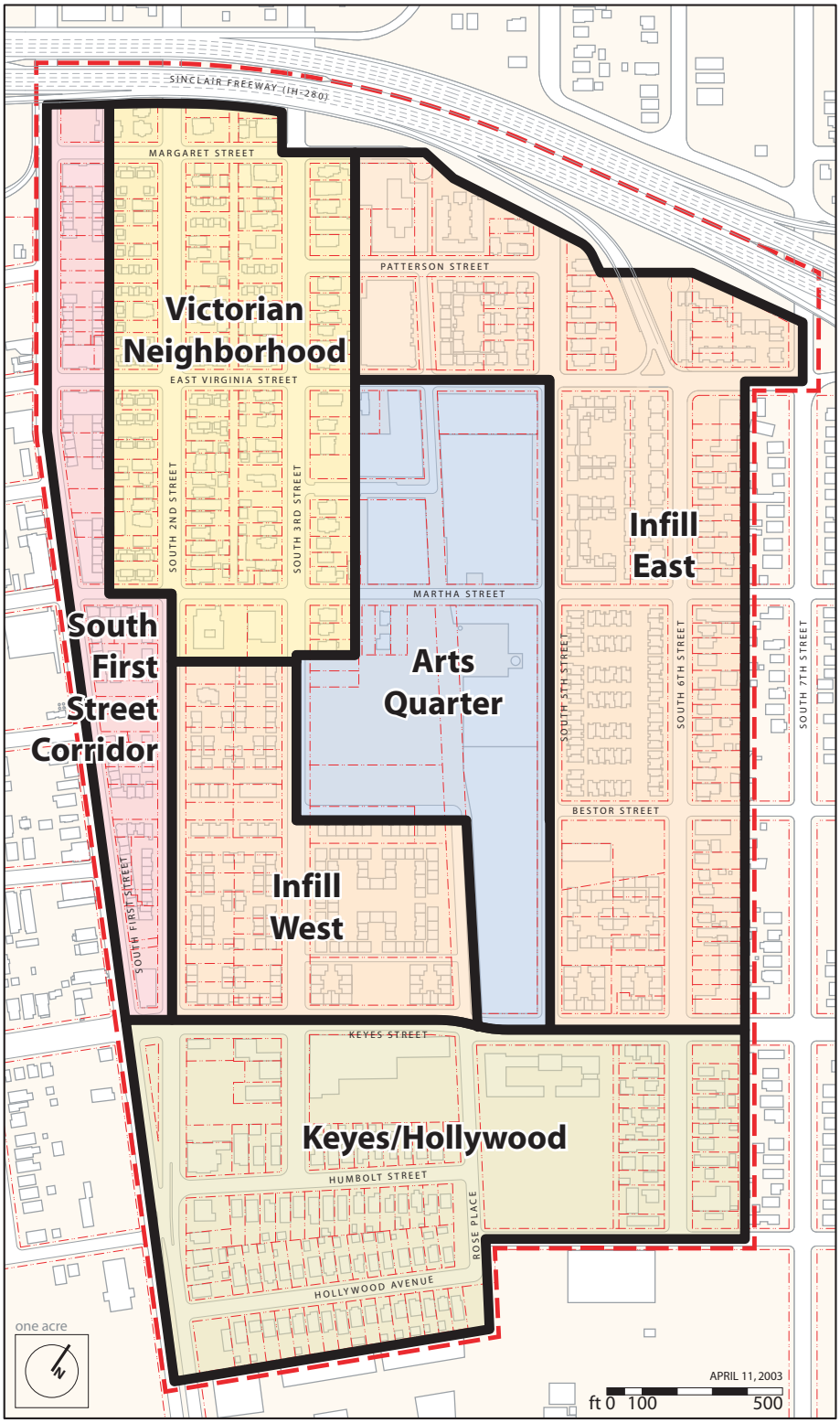
FIGURE 3

III. PROJECT DESCRIPTION

The City of San José is proposing to adopt the Martha Gardens Planned Community as an amendment to the City's General Plan, and to adopt the Martha Gardens Specific Plan (MGSP) as a supporting policy document. The MGSP is a policy document that provides direction for future development in the Martha Gardens area through revised land use designations, and land use and design policies. The Martha Gardens Specific Plan area and the proposed Martha Gardens Planned Community cover an area of about 145 acres. As shown in Figures 1 and 2, the boundaries of the Martha Gardens area are Interstate 280 on the north, a mid-block line between Sixth Street and Seventh Street to the east, Hollywood Street and Humboldt Street to the south, and First Street on the west.

The MGSP is planned primarily as a residential neighborhood with a unique "arts focus" overlaying its more conventional residential uses. The General Plan amendments would facilitate the creation of a new neighborhood with an arts focus that will include a mix of residential, commercial, recreation, education and art uses; safe and pleasant pedestrian environments; parks and community facilities; and preserved historic buildings. The project area is expected to provide substantial housing and other opportunities for a wide range of new central City residents and families, including artists and their families. Much of the area is expected to develop and redevelop with planned new uses. Many existing uses and buildings are expected to remain, including most of the historic buildings, the existing residential areas, compatible businesses, and the existing arts related uses.

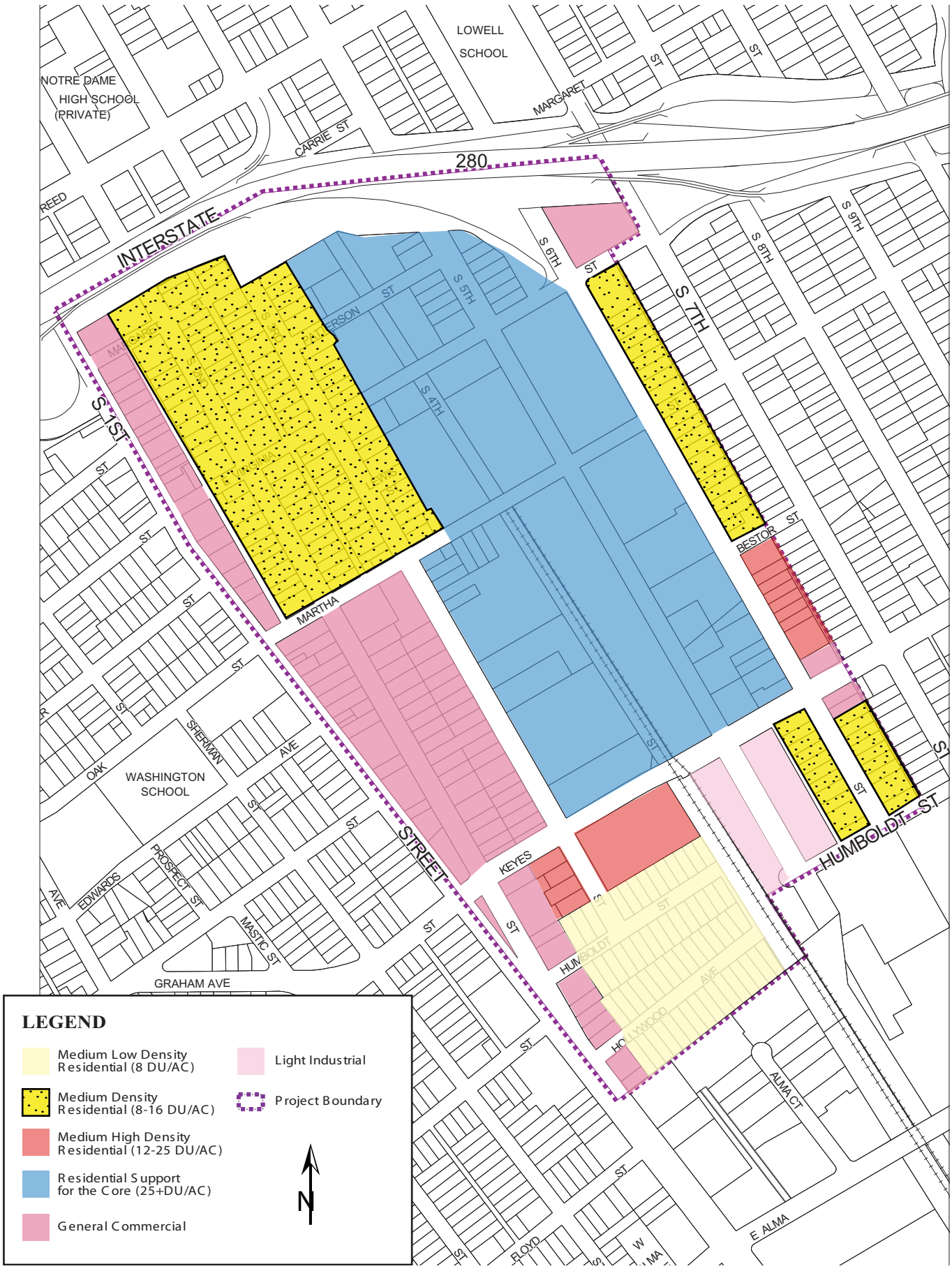
The area is divided into five sub areas shown in Figure 4. Each sub-area has various land use objectives and policies, and design guidelines which are based on the circumstances found in that sub-area. A more detailed description of the guidelines for each sub-area can be found in the draft MGSP (Sept. 2003). Table 1 displays the projected range of potential development within the Martha Gardens area. The Plan is projected to allow for approximately 1,900 residential units (but may result in as few as 1,377 units and as many as 2,672 units), approximately 475,000 square feet of commercial uses (but may result in as few as 240,814 square feet and as many as 708,305 square feet), approximately 250,000 square feet of light industrial uses (but may result in as few as 132,205 square feet and as many as 349,133 square feet). Also proposed under the MGSP are three parks and a community facility (approximately nine acres), various street and circulation modifications to improve pedestrian, bicycle and vehicle circulation, traffic calming measures to enhance the livability of the public streets and the creation of an arts-oriented district.



SUB AREAS

FIGURE 4

Table 1: Projected Range of Potential Development for MGSP									
Land Use Category	**Low Development Scenario**			**Realistic Projected Development Scenario**			**Maximum Development Scenario**		
	No. of DU	**Commercial sf.**	**Industrial sf.**	**No. of DU**	**Commercial sf.**	**Industrial sf.**	**No. of DU**	**Commercial sf.**	**Industrial sf.**
Preservation/Single Family 8 du/ac	71	---	---	60	---	---	71	---	---
Preservation/Single Family/Duplex 8-16 du/ac	56	---	---	76	---	---	112	---	---
Preservation/Victorian Mixed Use 10-20 du/ac	152	0	---	192	4,851	---	304	19,404	---
High Density Residential 20-50 du/ac (Up to 1.5 FAR)	94	---	---	174	---	---	235	---	---
High Density Residential 40-70 du/ac (Up to 2.5 FAR)	984	---	---	1,353	---	---	1,722	---	---
Commercial/Mixed Use (Up to 1.5 FAR)	0	136,488	---	25	272,976	---	188	409,464	---
Commercial/Light Industrial (Up to 0.5 FAR)	---	45,085	105,197	---	75,141	75,141	---	105,197	45,085
Arts/Related Mixed Use	20	59,242	243,936	25	118,483	174,240	40	174,240	87,120
Totals	**1,377**	**240,814**	**49,133**	**1,905**	**471,451**	**249,381**	**2,672**	**708,305**	**132,205**



EXISTING GENERAL PLAN DESIGNATIONS FIGURE 5

Most of the land use designations proposed in the MGSP are based on the citywide land use designations in the *San José 2020 General Plan*. Existing land use designations in the plan area include: Residential Support for the Core (25+ DU/AC); Medium High Density Residential (12-25 DU/AC); Medium Density Residential (8-16 DU/AC); Medium Low Density Residential (8 DU/AC); General Commercial; Light Industrial; and Heavy Industrial (see Figure 5). The existing land use designations also allow a range of densities. Under the existing General Plan approximately 2,628 dwelling units would be projected to develop. The proposed MGSP is likely to result in 723 fewer dwelling units than the current General Plan designations (see Table 2)

Table 2: Comparison of Projected Development under the Existing General Plan and the Proposed Land Use Designations

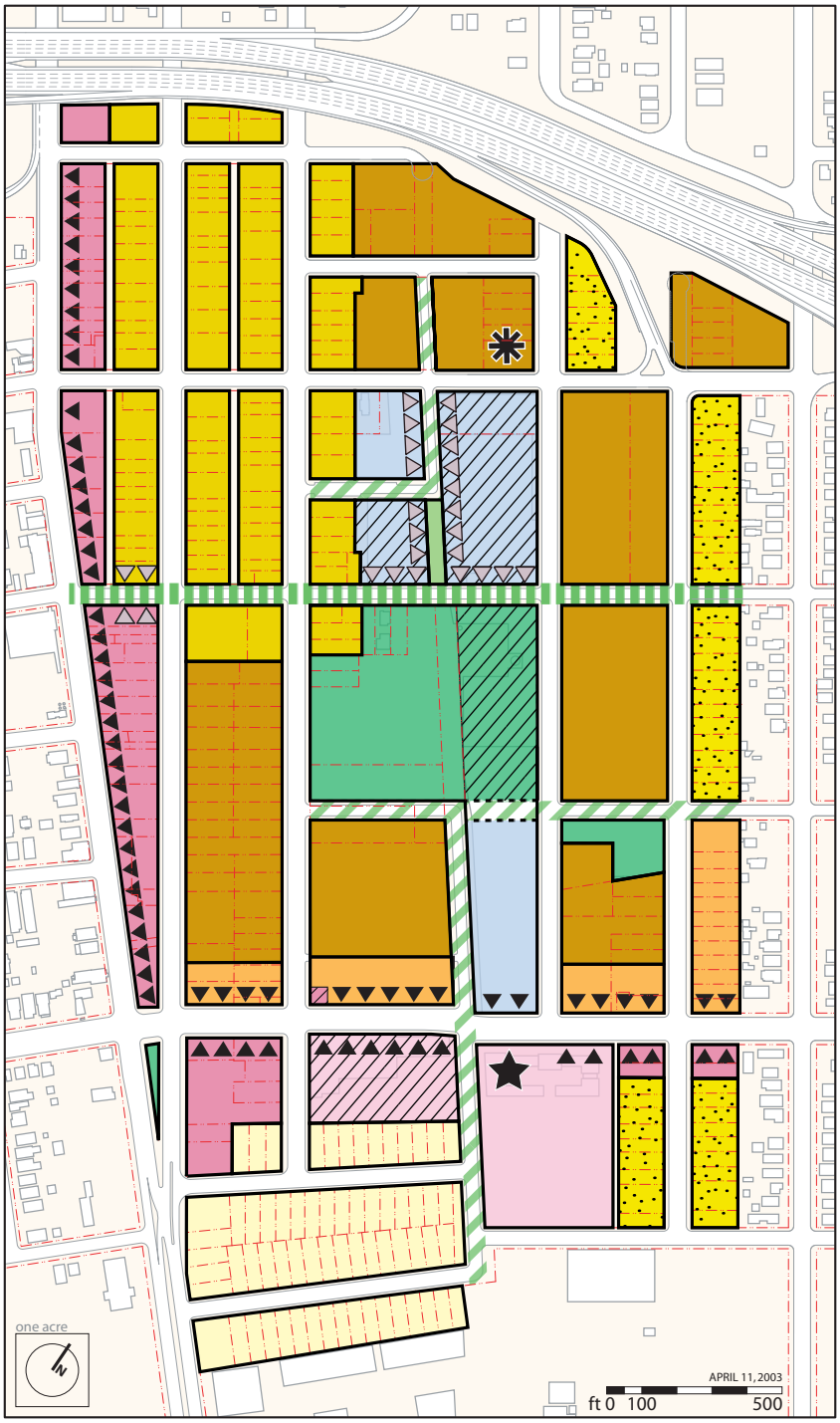
Existing General Plan			**Proposed Land Use Designations**		
Land Use Designations	**Acres**	**No. of DU**	**Land Use Designations**	**Acres**	**No. of DU**
Medium Low Density Residential (8 du/ac)	7.7	52	Preservation/Single Family 8 du/ac	8.9	60
Medium Density Residential (8-16 du/ac)	20	216	Preservation/Single Family/Duplex 8-16 du/ac	7	76
Medium High Density Residential (12-25 du/ac)	4.6	83	Preservation/Victorian Mixed Use 10-20 du/ac	15.2	192
Residential Support for the Core (25+ du/ac)	41.4	2,277	High Density Residential 20-50 du/ac (Up to 1.5 FAR)	4.7	174
General Commercial	18.2		High Density Residential 40-70 du/ac (Up to 2.5 FAR)	24.6	1,353
Light Industrial	3.1		Commercial/Mixed Use (Up to 1.5 FAR)	9.4	25
Public Right of Ways (Streets/Alleys/Freeways)	49.7		Commercial/Light Industrial (Up to 0.5 FAR)	6.9	
			Arts/Related Mixed Use	8	25
			Public Park/Community Facilities	8.3	
			Public Right of Ways (Streets/Alleys/Freeways)	51.7	
TOTALS	**144.7**	**2,628**		**144.7**	**1,905**

Summary descriptions of the proposed land use designations are described below. Figure 6 is the corresponding land use map; a more detailed description of the proposed land uses can be found in the draft MGSP (Sept. 2003), is available for review at the City of San José Planning Department.

These land use designations and transportation facility policies reflect a variety of assumptions. Each category allows certain activities, does not allow certain other uses, and may sometimes permit variations in both categories. This summary identifies the bases of analysis in this Initial Study.

The implementation of the MGSP is estimated to occur over time between 2003 and 2020.[2]

[2] While it is expected that land uses over time will transition to those described below, in general existing land uses may remain indefinitely. The MGSP does, however, limit the expansion and enhancement of such uses. While any new use must be consistent with the MGSP, the timing of change from existing uses is generally left to the discretion of property owners.



Land Use

- Preservation/Single Family 8 du/ac
- Preservation/Single Family/Duplex
- Preservation/Victorian Mixed-Use 10-20 du/ac
- High Density Residential 20-50 du/ac (up t0 1.5 FAR)
- High Density Residential 40-70 du/ac (up to 2.5 FAR)
- Commercial/Mixed Use (up to 1.5 FAR)
- Commercial/Light Industrial (up to 0.5 FAR)
- Arts/Related Mixed Use (various densities)
- Public Park and Community Facilities
- Pedestrian Way
- Pedestrian Emphasis Public Street
- Pedestrian Corridor
- Adaptive Re-Use (various densities)
- Health Clinic
- Neighborhood-Serving Uses
- Neighborhood-Serving Uses
- Potential School Site

PROPOSED LAND USE DESIGNATION FIGURE 6

Preservation/Single Family

This designation is intended primarily to reflect and protect specific properties, which are already predominantly developed with existing single family detached houses. New development or redevelopment is permitted within the 8 DU/AC range, and should be compatible with existing development.

Preservation/Single Family/Duplex

This designation is intended to reflect and protect different properties, most of which are also developed with existing single family detached houses. New development or redevelopment is permitted within the 8 to 16 DU/AC range and should be compatible with existing development.

Preservation/Victorian Preservation/Mixed-Use

This designation is applied to contiguous properties having significant numbers of existing Victorian era buildings. The purpose of this designation is to encourage the preservation of the Victorian buildings and to identify appropriate uses and densities for the Victorians as well as for the intervening non-historic properties. The area is intended to be primarily residential at a density of 10 to 20 DU/AC. For vacant properties or reuse sites, new development is limited to residential**.**

Neighborhood Serving Uses

Neighborhood serving uses are those uses, commercial, retail and service, that are oriented primarily to customers who live in the near area. These uses should generally be small scale and designed to conveniently accommodate pedestrians and bicyclists. In some areas, these types of uses are required and in others they are encouraged.

High Density Residential 20 to 50 DU/AC

Residential development at densities of 20 to 50 dwelling units per acre are permitted under this designation. Housing in this area should represent a choice of unit types (flats, townhouses, lofts, live/work, etc.) and tenures (ownership or rental) and be affordable to families with a variety of income levels. Projects in this density range may occur on sites that also include a residential designation with 40 to 70 dwelling units per acre. For a single site with two density designations, the densities can be combined into a project with a single density that is between the two, as long as the total is consistent with each designation

Properties with frontages exhibiting the triangular symbol should be developed with ground floor commercial uses consistent with the Neighborhood Serving Uses designation.

Residential developments within this designation may also incorporate incidental public or private arts-related uses that are compatible with the basic residential use, for example, artists' workshops, studios, galleries, supply shops, rehearsal space, metal sculptors, etchers and recording studios, etc. Housing projects within this designation should incorporate at least one element that might reasonably be useful and/or attractive to artist/occupants, such as: affordability; some number of live/work or loft units; common work space(s) including wash up facilities; significant display space; rehearsal space; etc.

High Density Residential 40-70 DU/AC

Residential development at densities of 40 to 70 dwelling units per acre is permitted in this designation. Housing in this area should represent a choice of unit types (flats, lofts, live/work, etc.) and tenures (ownership or rental) and be affordable to families with a variety of income levels. Projects in this density range may occur on sites that also include a residential designation with 20-40 dwelling units per acre. For a single site with two density designations, the densities can be combined into a project with a single density that is part way between the two as long as the total is consistent with each designation

Projects within this designation may also incorporate incidental public or private arts related uses that are compatible with the basic residential use, for example, artists' workshops, studios, galleries, supply shops, rehearsal space, recording studios, etc.

Housing projects within this designation should incorporate at least one element that might reasonably be useful and/or attractive to artist occupants, such as: affordability; some number of live/work or loft units; common work space(s) including wash up facilities; significant display space; rehearsal space; etc.

Commercial/Mixed Use

This designation allows only commercial uses on the ground floor, and housing is encouraged on subsequent floors. Commercial and mixed use buildings should be built to or near the front property line and should be oriented to the sidewalk. Neighborhood commercial uses and services are encouraged throughout the area, but intermittent regional commercial uses are permitted only along First Street.

Commercial/Light Industrial

This designation permits light industrial or general commercial uses or a combination of those uses, as long as they are compatible with any nearby planned or existing uses, particularly residential uses.

Arts/Related Mixed Uses

An eclectic mix of uses such as housing, retail, commercial, studio, services, etc., which are arts related, are permitted and encouraged under this designation. Arts related uses are those that primarily serve artists and craftspeople, are used by artists and craftspeople, and/or make available or display the work of artists and craftspeople. In addition, however, "arts related" development may include neighborhood service uses, such as restaurants and cleaners that provide a necessary service for all residents of the area including artists. Large scale uses, for example gallery or performance space, that may be intended to attract large audiences or large numbers of participants from outside the surrounding neighborhood areas, are discouraged and should be limited.

Because this area is substantially developed with existing historic buildings and adaptive reuse of them is strongly encouraged, residential densities or general FAR's are not prescribed. Residential uses and/or new construction, however, should be permitted only in full conformance with accepted standards for adaptive reuse or additions to historic structures or properties.

Light industrial uses may also be permitted under this designation but should be limited to no more than 70% of any one building and to low intensity industrial uses only, such as: warehousing; small manufacturing operations, including wood products; mailing and printing services; data services; and

any other industrial use that will be particularly compatible with existing and planned arts uses, including housing.

Public Parks and Community Facilities

Three public parks and a community center with a combined total of nine acres comprise this designation. The larger park block includes historic buildings which should be preserved and incorporated into the park plan as community, and perhaps arts-related facilities. All uses within this designation should be operated for general public use, except that excess reuse space in historic buildings may be made available to one or more public or non-profit entities, including housing non-profits. The ability of non-profits, particularly housing non-profits, to partner with the City and contribute to the successful establishment of the general public uses, should be an important factor in their selection. Any housing established on the large park block should not displace any identified community or arts related need; should occupy no more than 50 percent of the building space; should be affordable; and should be designed to be compatible with and supportive of the community and arts uses also occupying the buildings.

Pedestrian Way

This corridor, which is proposed along a segment of the existing rail right-of-way which bisects Martha Gardens, will become part of a new pedestrian oriented spine which is proposed to replace the rail line. The section between Lewis and Virginia Streets will become a "pedestrian emphasis street". The south section, between Lewis and Martha Streets, will become a "pedestrian way", providing space for pedestrian circulation, display space for adjacent arts related businesses or studios, dining space for restaurants or coffee shops and very limited vehicular access for businesses or other spaces in the corridor. While the corridor should be softened with some landscaping, its surface should be primarily hardscape to accommodate this variety of uses.

Pedestrian Emphasis Public Street

While the streets proposed for this designation are intended to carry limited amounts of vehicular traffic, the emphasis should be on designing and maintaining them as high quality lanes that are particularly pedestrian friendly. Features should include, at a minimum, shortened crossings at intersections, crosswalks highlighted by color or texture, complete rows of street trees and appropriate street furniture. Any new development along these streets should be oriented to them in a manner that facilitates pedestrian access and de-emphasizes vehicular access.

Adaptive Reuse

Crosshatched areas represent those buildings in the area determined to have a high level of historic significance. This MGSP assumes that all of the designated buildings will be retained as part of the neighborhood and re-used for purposes consistent with this specific plan and compatible with surrounding uses. The MGSP encourages the same treatment for older buildings that are not crosshatched if they have characteristics similar to identified historic resources.

Health Clinic

The existing Gardner Health Clinic is considered a valuable resource in the broader community and this MGSP takes care to encourage its continued operation in this community. The clinic may stay in its present location at the northwest corner of Virginia Street and Fifth Street, either in its present configuration or as part of a new, multi-story project. Alternatively, it may relocate to any East

Gardner site planned for private sector development as either a stand alone or mixed use project. The clinic is represented on the Land Use Plan as a "floating" asterisk to reflect this location flexibility.

Potential Elementary School

A potential new elementary school is represented by a "floating" star to indicate that its location is not tied to any one site. While the star is placed on a particular site, because that site possesses some important advantages as a school site, it should not limit the use of the site which is otherwise planned for Commercial/Light Industrial uses. The school star is shown on the Land Use Plan to reflect the community's desire for a local school and the probability that the new housing proposed in the MGSP will generate the need for additional school capacity somewhere in the vicinity.

Street System Modifications

Street system modifications are proposed as a part of the MGSP to improve circulation and pedestrian connections, minimize trip lengths, and dilute traffic impacts throughout the Martha Gardens area and its surroundings. The following descriptions summarize the proposed street system changes:

Fourth Street Railroad Right-of-Way

The major circulation change proposed is the conversion of the former "Fourth Street" railroad right-of-way to a sequence of public street segments, pedestrian emphasis streets, pedestrian ways and a pedestrian spine through "Martha Park". The common thread through the reformatted length of the right-of-way will be pedestrian convenience and comfort, with several segments also planned for some level of vehicular circulation.

The former railroad right-of-way should be incorporated into the Martha Gardens street system between Patterson Street and Martha Street and between Bestor Street and Hollywood Avenue as a "pedestrian emphasis" street, a "pedestrian way," or a neighborhood street. The segment of the Fourth Street railroad right-of-way located between Lewis Street and Martha Street, within the "Arts Quarter," should be converted to a "pedestrian way." The segment located between Bestor Street and Keyes Street should be converted to a "pedestrian emphasis street" to strengthen the connection between Keyes Street and the future park, as well as to provide direct vehicular and pedestrian access to new housing located along the new street.

Lewis Street

Lewis Street, intersecting 3rd Street midway between Virginia Street and Martha Street, should be converted to a "pedestrian emphasis street" and extended to connect with the former 4th Street railroad spur. The segment of the Fourth Street railroad spur located between Patterson Street and Lewis Street should also be converted to a "pedestrian emphasis street."

Bestor Street

Bestor Street should be extended between Third Street and Fifth Street if it becomes feasible to displace a portion of the historic American Can Warehouse to accommodate the street.

Should it not be possible to extend Bestor Street along the entire south edge of the future park, Bestor Street should be extended from Third Street to the new Fourth Street in order to achieve as much of the park frontage road and neighborhood grid system as possible.

South Second and Third Streets

Second Street and Third Street should be converted to two-way operations south of Interstate 280. This is consistent with other City policies, including the recommendations from the recently completed Downtown Access Study. Funding to implement the conversion of the two streets has not been identified, so the timing of the conversion is uncertain.

South Sixth Street

The segment of Sixth Street located between East Virginia Street and Martha Street should be converted to two-way operation and the street width reduced.

Streets Around Public Parks

New public parks should be bordered by public streets to ensure maximum public access consistent with long-standing City policies, including policies within the General Plan. The objective is to help achieve a safe and lively public environment for park users and park neighbors as well as the passing public.

Keyes/Hollywood Sub area

Rose Place

The segment of the Fourth Street railroad right-of-way located south of Keyes Street should be converted to a neighborhood street, connecting with the west segments of Humboldt Street and Hollywood Avenue. The new street, called "Rose Place", would improve circulation and access for residents of the Hollywood/Humboldt neighborhood, provide a connection with the future park to the north, and provide side street access to the large properties on either side of it at Keyes Street. If the conversion of the rail right-of-way between Humboldt Street and Keyes Street should prove not feasible, then "Rose Place" should be constructed to at least connect Humboldt Street and Hollywood Avenue.

South Second Street and South Third Street

Currently, a large volume of northbound traffic makes a "dog leg" movement from South First Street to South Third Street via Humboldt Street through the Hollywood/Humboldt neighborhood. Traffic is unimpeded and therefore makes these turning movements at relatively high speeds.

The MGSP includes the following phased improvements to conditions in the Keyes/Hollywood Area:

First Phase of Street System Modification

Second Street, between Keyes Street and Humboldt Street, should be converted to two-way operation. Humboldt Street, between South Second Street and South Third Street, should be converted to two-way operation. Vehicles traveling northbound on First Street would be allowed to go northbound onto Second Street at Humboldt Street. This would entail reconfiguring or eliminating the raised island in the center of the Second/Humboldt intersection. Northbound traffic on Second Street would be forced to turn right or left onto Keyes Street. A small raised island would help enforce the turn requirement. This would also require that Second Street either be narrowed to two lanes immediately north of Keyes Street or that traffic in the easternmost through lane on Second Street be forced to turn left onto Keyes Street. New or reconfigured traffic signals would be required

at the Keyes/Second intersection to control northbound traffic. In addition, a stop sign would be added on eastbound Humboldt Street at Third Street. Vehicles traveling westbound on Humboldt Street would be forced to turn right onto Second Street and would be controlled with a stop sign.

Final Phase of Street System Modification

Ultimately, South Second Street and South Third Street should be converted to two-way operations all the way north, to Interstate 280. The intersection of South Third Street and Humboldt Street would have stop signs on all approaches. The Keyes Street intersections with South Second Street and South Third Street would continue to be signalized. New signals would be added to the southbound Third Street approach. The Second Street and Third Street approaches at Keyes Street would either have one lane accommodating all movements or two lanes – one for left turns and one shared between through movements and right-turns. Vehicles traveling westbound on Humboldt Street would continue to be forced to turn right onto Second Street and controlled by a stop sign.

Connect East and West Segments of Humboldt Street

In addition to the changes associated with "Rose Place" described in the above text, the MGSP shows another new street segment connecting "Rose Place" with the east section of Humboldt Street in the Spartan Keyes neighborhood. The extension of Humboldt Street could provide additional pedestrian and vehicular connections for residents of the Hollywood/Humboldt and Spartan Keyes areas and end Hollywood/Humboldt's relative isolation. Residents, however, have expressed concerns about traffic associated with Spartan Stadium utilizing the extended Humboldt Street as an additional exit from the stadium events. Traffic calming measures could assist in discouraging and/or preventing cut-through traffic but it is unclear to what extent. Humboldt Street should be extended for its positive benefits but only if residents in both neighborhoods are confident that Spartan Stadium cut through traffic can be avoided.

Pedestrian Circulation

A major objective of the Martha Gardens Specific Plan is to create a lively and diverse new community that is particularly attractive and convenient for pedestrians. While most of the rights-of-way planned to accommodate pedestrians are existing, the Martha Gardens area is not currently very conducive to pedestrian activity. Drawbacks include broken, missing or narrow sidewalks, a preponderance of vehicle and rail oriented land uses, an absence of pedestrian oriented land uses, significant automobile and truck traffic, few pedestrian oriented traffic controls and unattractive streetscapes.

Martha Gardens is envisioned as a community where residents and others can walk to most of their daily activities. Features planned to encourage pedestrian orientation include a reinforced grid street system; parks within easy walking distance of all new and many existing residents; neighborhood serving commercial uses on Keyes Street and First Street, and on Martha Street if possible; a large variety of community and arts related activities readily available throughout the neighborhood, particularly at the planned community center; walkable proximity to Downtown; and the pleasant pedestrian circulation network integrated into the MGSP.

In addition to having compelling destinations, pedestrian corridors should be particularly pleasant walking environments, equipped with shade trees, wide sidewalks, enhanced crosswalks, pedestrian scale lighting, optional benches, trash receptacles and traffic calming features. Sidewalks on minor residential streets should be a minimum of six feet wide, exclusive of any park strips or tree wells. Designated Pedestrian Corridor sidewalks should be a minimum of eight feet wide exclusive of any

park strips or tree wells and sidewalks on commercial streets such as South First Street and Keyes Street should be a minimum of 15 feet wide including park strips and tree wells with a total width of 20 feet preferred.

Martha Street

Martha Street is a designated Pedestrian Corridor in the City's General Plan and its improvement to pedestrian and bicycle corridor standards is number 10 of the "Top Ten" priorities in the SNI Spartan Keyes Neighborhood Improvement Plan. Martha Street is perfectly situated within Martha Gardens to carry pedestrians from Oak Street (western continuation of Martha Street) in the Washington Neighborhood through the Martha Gardens area into the remainder of the Spartan Keyes neighborhood.

Destinations along Oak Street and Martha Street, from west to east, include Washington School, the Youth Center, the Biblioteca, businesses along South First Street, the new "Martha Park" and Community Center, the Arts Lane in the "Arts Block", arts activities along and near Martha Street, potential neighborhood commercial businesses across Martha Street from the Park and potential access to the future Coyote Creek Trail to the east. Virtually every Martha Street intersection also provides access via cross streets to other important destinations, for example, Downtown, adjacent residential neighborhoods, "Oklahoma Park" between Fifth Street and Sixth Street, the Gardner Health Clinic on Virginia Street, San José State University, Lowell Elementary School, commercial businesses on Keyes Street, Kelly Park at Keyes Street and Senter Road and the San José State University and Municipal sports facilities to the south.

Bestor Street

Bestor Street also provides an important east west pedestrian connector to many destinations in the area, similar to Martha Street, but shorter. In particular, Bestor Street will provide pedestrian access to the new Martha Gardens Park for residential areas to the east and south. Optimal park access for those residents will depend on the City's ability to construct a pedestrian path, or a street, through a portion of the historic American Can Company Warehouse on Fifth Street, to provide direct access to the Park from Fifth Street.

"***Fourth Street", Arts Lane, Rose Place***

The future "Fourth Street" is currently an abandoned railroad right-of-way running nearly the whole length of the MGSP area in a north/south direction. The MGSP will transform the rail line into lengths of public street, the Arts Lane which is a pathway through the Park, Rose Lane south of Keyes Street and a public or private street segment north of Virginia Street. The common thread along all of these segments will be their continuous pedestrian orientation.

Lewis Street

Lewis Street, currently only a "stub" from Third Street, will become a Pedestrian Emphasis Street connecting to the Arts Lane and the remainder of the "Fourth Street" pedestrian system and its destinations.

South First Street and Keyes Street

Because development along these streets is planned for pedestrian orientation, street right-of-way standards should include features such as wide sidewalks (minimum 15 feet including park strip or

tree wells, preferably 20 feet with park strip and tree wells), large canopy street trees 30 to 40 feet on center, enhanced and/or signalized crosswalks, curb bulb-outs to shorten crossing distances where appropriate, pedestrian scale lighting, trash receptacles, optional sitting areas and careful coordination with any outdoor activities approved for adjacent private businesses.

Bicycle Circulation

As recommended for pedestrians, the circulation needs of bicyclists through the Martha Gardens area should be accommodated in order to encourage bicycling as an alternative to driving, as well as to encourage it as an interesting and healthy exercise. While most off-street pathways will be designed to accommodate both pedestrians and bicycles, sidewalks along streets are intended exclusively for pedestrians. On streets, bicycles will be accommodated by bike lanes or bike routes. Bike lanes are approximately five foot wide lanes for the semi-exclusive use of bicycles. Bicycles share space with other vehicles on bike routes, which are streets identified as particularly amenable to bicycle use.

Because Martha Gardens is an older area where streets tend to be narrow, on street bicycle facilities have been limited to bike routes. While the objective of this MGSP is that all minor streets should be comfortable environments for bicycling, several bike routes exist or are planned on major streets or collectors. There are existing bike routes on South Seventh Street and on Keyes Street east of the railroad. The City's Bicycle Network includes a proposed bike route on Third Street.

In addition to providing for the circulation of bicycles in Martha Gardens, development decisions for properties in the area should incorporate requirements for bicycle access and safe bicycle storage within both private and public projects.

Traffic Calming

The MGSP proposes a program of traffic calming methods to protect neighborhood streets from cut-through traffic and excessive speeds. The surrounding communities have expressed a great deal of interest in avoiding undue traffic impacts both within the Martha Gardens area and on adjacent neighborhood streets. The larger Spartan Keyes neighborhood is already working with the City of San José to develop a traffic calming plan for existing residential streets outside of the Martha Gardens area.

The major new development and rehabilitation projects anticipated in the Martha Gardens area will provide useful opportunities to build in traffic calming as a standard component of the street rights-of-way. Traffic calming, according to the MGSP, should be an integral part of the Martha Gardens community.

Traffic calming measures are proposed at many of the MGSP area intersections. New traffic signals, which will facilitate pedestrian crossings, are proposed at Keyes Street and Second Street, Virginia Street and Sixth Street, and Martha Street and Seventh Street (under construction). Proposed traffic calming measures consist primarily of "bulb-outs" at intersections and "neck-downs" at several mid-block or "T" intersection locations.

The bulb-outs and neck-downs are intended to narrow the right-of-way for limited distances to slow but not impede traffic. In addition to slowing traffic for pedestrians, the bulb-outs and neck-downs provide for shorter street crossing distances and will tend to result in slower and more careful vehicle turns at corners. The traffic calming measures will be particularly important on Martha Street and the designated pedestrian emphasis streets such as Bestor Street, Lewis Street, and Fourth Street. Additional measures or modifications may be considered as the MGSP is implemented.

IV. ENVIRONMENTAL SETTING & CHECKLIST

This document provides a program level environmental review appropriate for the adoption of the proposed amendment to the San José 2020 General Plan. This IS evaluates the potential environmental impacts that might reasonably be anticipated to result from the adoption of the Martha Gardens Planned Community (MGPC) as an amendment to the General Plan, and the adoption of the Martha Gardens Specific Plan (MGSP) as a supporting policy document. This is a program level Initial Study, the "project" evaluated in the report does not propose or include any specific development. The analysis in this Initial Study evaluates the basic suitability of the proposed land use designation change at a policy level.

This section will describe the existing environmental conditions on and near the subject site, as well as environmental impacts associated with the proposed project. An environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, was used to identify environmental impacts that could occur if the proposed project is implemented. The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of the checklist. This section will clearly identify all potential environmental impacts from the project, including an explanation for those adverse impacts determined to be less than significant. Mitigation measures are identified and described for all potentially significant impacts, and evaluated briefly for the expected effectiveness/feasibility of these measures, where necessary.

A. AESTHETICS

1. Setting

The project area includes about 145 acres bounded by Interstate 280 on the north, a mid-block line between Sixth Street and Seventh Street to the east, Hollywood Street and Humboldt Street to the south, and First Street on the west.

The project area is fully developed with a mixture of residential, commercial, and industrial uses. The central area contains predominately industrial type buildings. The more peripheral areas are mixed, with residential and commercial buildings. A former railroad right-of-way cuts through the center of the project area on Fourth Street. There is no public open space within the project area. The area has a limited number of trees, primarily in the Victorian area on Third Street.

2. Environmental Checklist and Discussion

AESTHETICS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐	☐	1,2

AESTHETICS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐	☐	1,2
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☐	☒	1,2
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐	☐	1,2

Discussion: The project area is within a developed urban area. Interstate 280, an interstate highway, is designated as a Landscaped Throughway in the *City of San José 2020 General Plan*. Implementation of the proposed MGSP would replace some existing buildings with new buildings. Many of the new structures may be rehabilitated. It is assumed that new development would be consistent with the design guidelines for that sub area.

The project would not substantially alter views of any natural scenic vista, such as hillsides, for drivers along Interstate 280. The project would not result in a significant negative aesthetic impact and would not degrade the visual character of the area.

Implementation of the MGSP would not allow the creation of a substantially new source of light or glare which would change the day or nighttime views in the area.

The proposed project would involve the development of three public parks with a combined total of nine acres within the Martha Garden Specific Plan area. Railroad tracks are planned to be removed from Fourth Street and pedestrian access improvements are planned throughout the project area. These improvements are anticipated to improve the overall visual character of the Martha Gardens area.

3. Conclusion

The proposed project would not degrade the existing visual character or quality of the site and its surroundings. Therefore, the adoption and implementation of the proposed MGSP would have a less than significant adverse aesthetic impact. **(Less Than Significant Impact)**

B. AGRICULTURAL RESOURCES

1. Setting

Currently the project area is fully developed with a mixture of residential, commercial, and industrial uses. The area is not designated by the California Resources Agency as Farmland of any type, and is not the subject of a Williamson Act contract. There is no property used for agricultural purposes adjacent to or within the project area.

2. Environmental Checklist and Discussion

AGRICULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	☐	3
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐	3
3) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒	☐	3

3. Conclusion

The project would have no adverse impact on agricultural land or agricultural activities. **(No Impact)**

C. AIR QUALITY

1. Setting

Air quality and the amount of a given pollutant in the atmosphere are determined by the amount of pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain and for photochemical pollutants, sunshine.

Under the California Clean Air Act, Santa Clara County is classified as a non-attainment area for ozone and PM_{10}. The EPA has designated the Bay Area as a federal non-attainment area for ozone. The County is either in attainment or unclassified for other pollutants.

2. Environmental Checklist and Discussion

AIR QUALITY	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	☐	1,2,6
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	☐	1,2,6
3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☐	☒	☐	6
4) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐	☐	6
5) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	☐	1,6

Discussion: According to the CEQA Guidelines prepared and adopted by the Bay Area Air Quality Management District (BAAQMD), the following criteria must be satisfied for a local general plan to be determined to be consistent with the most current Clean Air Plan (CAP) and to not, therefore, have a significant air quality impact:

- The local plan should be consistent with the CAP population and Vehicle Miles Traveled (VMT) assumptions. This is demonstrated if the population growth over the planning period will not exceed the values included in the current CAP; and

- The local plan demonstrates reasonable efforts to implement the Transportation Control Measures (TCMs) included in the CAP that identifies cities as implementing agencies.

The project would result in a decrease in the number of housing units allowed under buildout of the General Plan and thus would not increase population. Population projections are described in the Association of Bay Area Government's (ABAG) *Projections '98,* which was the source of information on households and employment used in the 2000 Bay Area Clean Plan (CAP). The proposed land use designations would allow of the construction of approximately 1,905 residential units within the MGSP boundaries. Under the existing land use designation approximately 2,628 dwelling units could be developed. The project is consistent with CAP estimates.

Table 3 lists Clean Air Plan Transportation Measures (TCMs) that include cities as implementing agencies. Cities are not the only implementing agencies for these TCMs; other agencies include counties, the BAAQMD, the Metropolitan Transportation Commission, Congestion Management Agencies and school districts.

The proposed General Plan amendment cannot, individually, implement all of the listed TCMs, but the City's General Plan does include all those that are consistent with a City's responsibility. Virtually all of these measures are already reflected in existing General Plan policies, which are the basis of mitigation for all land use impacts in San José.

Table 3: CAP Transportation Control Measures to be Implemented by Cities

Transportation Control Measure	Description
1. Expand Employee Assistance Program	▪ Provide assistance to regional and local ride sharing organizations.
9. Improve Bicycle Access and Facilities	▪ Establish and maintain bicycle advisory committees in all nine Bay Area Counties ▪ Develop comprehensive bicycle plans. ▪ Encourage employers and developers to provide bicycle access and facilities. ▪ Improve and expand bicycle lane system.
12. Improve Arterial Traffic Management	▪ Continue ongoing local signal timing programs. ▪ Study signal preemption for buses on arterials with high volume of bus traffic. ▪ Expand signal timing programs. ▪ Improve arterials for bus operations and to encourage bicycling.
15. Local Clean Air Plans, Policies and Programs	▪ Incorporate air quality beneficial policies and programs into local planning and development activities, with a particular focus on subdivision, zoning and site design measures that reduce the number and length of single-occupant automobile trips.
17. Conduct Demonstration Projects	▪ Promote demonstration projects to develop new strategies to reduce motor vehicle emissions. ▪ Projects include low emission vehicle fleets and LEV refueling infrastructure.

Table 3: CAP Transportation Control Measures to be Implemented by Cities	
Transportation Control Measure	**Description**
19. Pedestrian Travel	▪ Review/revise general/specific plan policies to promote development patterns that encourage walking and circulation policies that emphasize pedestrian travel and modify zoning ordinances to include pedestrian-friendly design standards ▪ Include pedestrian improvements in capital improvements programs. ▪ Designate a staff person as a Pedestrian Program Manager.
20. Promote Traffic Calming Measures	▪ Include traffic calming strategies in the transportation and land use elements of general and specific plans. ▪ Include traffic calming strategies in capital improvement programs.

Construction Impacts

Construction activities such as demolition, excavation, construction vehicle traffic and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that would affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-waterbase paints, thinners, some insulating materials and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone.

Construction dust could affect local air quality at various times during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when and if underlying soils are exposed to the atmosphere.

The effects of construction activities would be increased dustfall and locally elevated levels of PM_{10} downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties including the adjacent residential uses.

Impact: Construction activities related to the proposed project would result in significant short-term air quality impacts.

Mitigation: The following General Plan polices would reduce potential air quality impacts of the proposed project to a level of less than significant:

- *Air Quality Policy 6* states that the City should continue to enforce its ozone-depleting compound ordinance and supporting policy to ban the use of chlorofluorocarbon compounds (CFCs) in building construction.

- *Industrial Land Use Policy 1* states that industrial development should incorporate measures to minimize negative impacts on nearby land uses.

Other Programmed Mitigation Measures[3]

The following mitigation measures implemented in conformance with General Plan polices would be incorporated as part of project level review of future development to further minimize impacts to air quality during construction:

- Any future development under the proposed General Plan designation would be subject to the City's grading ordinance; all earth moving activities would include provisions to control fugitive dust, including regular watering of the ground surface, cleaning nearby streets, damp sweeping, and planting any areas left vacant for extensive periods of time.

3. Conclusion

Implementation of the above described General Plan Policies and Programmed Mitigation Measures would reduce short-term construction related air quality impacts to a less than significant level. **(Less than Significant Impact with Mitigation)**

Mitigation Measures to be Considered
At the Time of Future Development

- *Dust Control/Air Quality.* The project shall incorporate City of San José practices to mitigate dust during all phases of construction. These practices meet or exceed the Bay Area Air Quality Management District's (BAAQMD) feasible construction dust control measures to reduce construction impacts to a level that is less-than-significant. The following construction practices will be implemented during all phases of construction on the project site:
  - Use dust-proof chutes for loading construction debris onto trucks.
  - Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
  - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
  - Sweep daily or as often as necessary to keep the adjoining streets, paved access roads, parking areas and staging areas at construction site free of dust and debris.
  - Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
  - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- *Street Cleaning and Dust Control.* During construction, the developer shall damp sweep the public and private streets within and adjoining the project site each working day sufficient to remove all visible debris and soil. On-site areas visible to the public from

[3] "Programmed Mitigation Measures" are ordinances, laws, or adopted policies that would typically be implemented at the time of future development.

the public right-of-way shall be cleaned of debris, rubbish, and trash at least once a week. While the project is under construction, the developer shall implement effective dust control measures to prevent dust and other airborne matter from leaving the site.

D. BIOLOGICAL RESOURCES

1. Setting

The project area is entirely developed and provides a limited urban habitat that is suitable for urban adapted wildlife, such as Mourning Dove, House Finch, Northern Mockingbird, and fox squirrel. The vegetation in the area consists of street trees and shrubs. A tree survey was not conducted for the Martha Gardens area. Few trees, however, have been observed that meet the City's criteria for an "ordinance-size" tree. An ordinance-sized tree is any tree which measures 56 inches or more in circumference at a height of 24 inches above the natural grade. Trees of the area are largely confined to the Victorian neighborhood and are of small to medium size. There are no City designated Heritage Trees within the Martha Gardens area.[4]

There are no waterways, or other sensitive habitat present in the project area. The nearest water bodies are Coyote Creek, which is approximately 2,400 feet to the east and the Guadalupe River, which is approximately 2,600 feet to the west of the Martha Gardens area.

2. Environmental Checklist and Discussion

BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	☐	1,2
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	☐	1

[4] A Heritage Tree is any tree found by the City Council to have special significance regardless of tree size or species.

BIOLOGICAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	☐	1
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☐	☒	☐	1
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐	☐	1,2
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	☐	1

Discussion: The project site does not include riparian habitat, wetlands, or any other sensitive habitat, nor is the site adjacent to any wetlands, waterway or other sensitive habitat. Implementation of the proposed project will not have any impact, direct or indirect, on wetlands.

The project site is almost entirely covered with impervious surfaces, including buildings, and pavement. The project does not contain sensitive wildlife habitat or any wildlife nursery sites, nor will its development adversely affect any migratory corridor. The property is not addressed in any adopted conservation plan.

The project will not have any direct or indirect impact on any special-status species or their habitat.

The City of San José Tree Removal Controls protect all trees having a trunk which measures 56 inches or more in circumference at a height of 24 inches above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City of San José for the removal of ordinance-sized trees. In addition, any tree found by the City Council to have special significance can be designated as a Heritage Tree, regardless of tree size or species. It is unlawful to vandalize, mutilate, remove, or destroy such Heritage Trees. The City of San José typically requires that all trees on a given project

site be inventoried and categorized according to size, species and location prior to the issuance of any approval or permit for construction of any improvement.

A tree survey was not conducted for the Martha Gardens area. However, a few trees have been observed that meet the City's criteria for an ordinance-sized tree. Most of the trees within the Martha Gardens area are small to medium size.

Impact: Loss of ordinance sized trees as a result of implementation of the MGSP would be a significant impact.

Mitigation: The following General Plan policies would reduce potential biological impacts of the MGSP to a level of less than significant:

- *Urban Forest Policy 2* states development projects should include the preservation of ordinance-sized, and other significant trees. Any adverse affect on the health and longevity of native oaks, ordinance sized or other significant trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement. In support of these policies the City should:

  - Continue to implement the Heritage Tree program and the Tree Removal Ordinance.
  - Consider the adoption of Tree Protection Standards and Tree Removal Mitigation Guidelines.

- *Urban Forest Policy 3* states the City should encourage the maintenance of mature trees on public and private property as an integral part of the urban forest. Prior to allowing the removal of any mature tree, all reasonable measures which can effectively preserve the tree should be pursued.

- *Urban Forest Policy 5* states that the City should encourage the selection of trees appropriate for a particular urban site. Tree placement should consider energy saving values, nearby power lines, and root characteristics.

- *Urban Forest Policy 6* states that trees used for new plantings in urban areas should be selected primarily from species with low water requirements.

- *Urban Forest Policy 7* states that, where appropriate, trees that benefit urban wildlife species by providing food or cover should be incorporated in urban plantings.

3. Conclusion

The proposed project would not have a significant adverse impact on biological resources. **(Less than Significant Impact with Mitigation)**

Mitigation Measures to be Considered
At the Time of Future Development

- Prior to specific project development approvals, each individual site will be evaluated for the presence of ordinance-sized or other mature trees.

- The project includes the following measures to minimize impacts from the loss of ordinance-sized trees:

    - Ordinance-size trees to be removed as part of the project would be replaced with 15-gallon native species at a ratio of four to one (4 replacement: 1 removed).

    - To the extent possible, healthy and mature trees will be incorporated into project landscaping design. Where feasible, ordinance-size trees would be removed, boxed, and replanted on-site as part of the project landscaping.

E. CULTURAL RESOURCES

The following discussion is based upon a Cultural Resources Review prepared by *Basin Research Associates*. The research included a review of pertinent literature, site records from the California Historical Resources Information System, Northwest Information Center, California State University Sonoma, Rohnert Park, the *City* of San José Historic Resources Inventory, the Historic Properties Directory for Santa Clara County, other local and regional surveys/inventories, and a "windshield" inventory of historic resources. This report is on file at the City of San José Planning, Building, and Code Enforcement Department.

1. Setting

Prehistoric Resources

The Santa Clara Valley was, prior to the Spanish invasion, occupied by the tribes of the Ohlone. The Tamien tribelet of the Ohlones was the closest known settlement to the project area. Due to the proximity of the Martha Gardens Specific Plan (MGSP) to both the Guadalupe River and Coyote Creek, it is likely that a trail was located in the vicinity.

No prehistoric sites have been formally recorded in or within one-quarter mile of the Martha Gardens Specific Plan area.

Historic Resources

The Cultural Resources Review prepared for the MGSP details the history of the area. The western edge of the MGSP area, along South First Street/Monterey Highway, was used during the Spanish Period for travel between San José and Monterey. The San Francisco and San José Railroad opened in 1864 and later expanded through the MGSP area in 1868, linking San José to Gilroy. The area was not developed for residential purposes until the last quarter of the nineteenth century. Residential development began in the MGSP area in the 1870s, including the construction of buildings in the Italianate Style. The Enright Subdivision of 1895 created a number of Queen Anne style homes within the MGSP area. Industrial land uses appeared in the MGSP area in support of the agricultural economy in the early twentieth century. J.F. Pyle opened a cannery at South Fifth Street and Martha Street in 1907, which was later purchased and expanded by the Barron-Gray Packing Company in 1923. The cannery went on to become part of the Dole Corporation in 1948. In 1912, the American Can Company began operations at South Fifth and Martha streets to manufacture cans for the fruit canning industry. The Herbert Packing Company, in 1919, opened a large fruit packing plant that would later become part of the Barron-Gray company in 1940. With the new economic expansion in the neighborhood came Bungalow, Spanish and Period Revival Style Houses in the late 1910s and early 1920s. Approaching WWII the economy shifted in the San José area toward the defense industry followed by the growth of the electronics industry in the 1980s and 1990s. Former industrial buildings in the MGSP are now being subdivided and used for small businesses with new multi-unit residential properties being increasingly developed.

Buried Historic Resources

Two brickyards were located in the MGSP area. The Peterson's Brickyard, was located at 1098 South Third Street. The company was awarded first prize for high quality pressed bricks at the 1886 World's Exposition in New Orleans. The bricks were used in various local

and regional buildings, including the 1887 San José City Hall. The facility remained open under various owners until it was sold by Gladding Brothers Manufacturing Company in 1963 and production ceased at the site. A second brickyard was located on the south side of Keyes Street between the South Pacific Railroad tracks (South Fourth Street) and South Fifth Street. Henry Dreischmeyer Sr. was the owner of the first important brick kiln in Santa Clara County and the original owner of this second brickyard before it became part of the San José Brick Company. The yard closed in 1968 after transferring owners multiple times. The brickyards do not appear eligible for the California Register.

Summary of Architectural Field Review

An Architectural Field Review was conducted in the MGSP area to identify both buildings that might warrant consideration for the California Register, and structures already recognized by other government listings. There are houses in the Italianate Style that are particularly rare in the project area and date from the 1870s. South Third Street has a row of Queen Anne houses from the 1890s and early 1900s that are a major, intact, ensemble in San José. Several early twentieth century Colonial Revival Style homes are located on South Sixth Street. The MGSP also includes a good example of an office building in the Spanish Colonial Revival style. The Dole Corporation office building of 1954 is a important modernist design in San José. The MGSP area also includes a bank building that is an example of the Modernist design.

Based upon a literature review, the MGSP area includes nine (9) properties that appear eligible or may become eligible for inclusion on the National Register of Historic Places (NRHP), 18 properties on the Santa Clara County Inventory, and 45 properties included on the City of San José Historic Resources Inventory, (refer to Table 4). Some of the structures are in multiple categories.

Table 4: Listed and Previously Identified Historic Resources[5]

Street Address	Year Built	NRHP[1]	CRHR[2]	County of Santa Clara	City of San José
125 E Humboldt St	1915				Identified Structure
127 E Humboldt St	1915				Identified Structure
137 E Humboldt St	1946				Identified Structure
143 E Humboldt St	1946				Identified Structure
149 E Humboldt St	1946				Identified Structure
157 E Humboldt St	1946				Identified Structure
163 E Humboldt St	1920				Identified Structure
165 E Humboldt St	1915				Identified Structure
148 E Virginia St	1933				Contributing Structure
160 E Virginia St	1954				Structure of Merit
124 Keyes St/ 1102 S. 3rd St	1915/1919				Contributing Structure
100 Lewis St	1920				Contributing Structure

[5] Source: National Register of Historic Places (NRHP), Santa Clara County Inventory, City of San José Historic Resources Inventory.

Table 4: Listed and Previously Identified Historic Resources[5]					
Street Address	**Year Built**	**NRHP[1]**	**CRHR[2]**	**County of Santa Clara**	**City of San José**
702 S 1st St	1910				Contributing Structure
1200-04 S 2nd St	1921				Identified Structure
1220 S 2nd St	1920				Identified Structure
1230 S 2nd St	1930				Identified Structure
1236 S 2nd St	1928				Identified Structure
1248 S 2nd St	1920				Identified Structure
693 S 2nd St	1895			X	National Register Site/Structure
706 S 2nd St	1912			X	Contributing Structure
712 S 2nd St	1875			X	Contributing Structure
798 S 2nd St	1925			X	Eligible for the National Register
838 S 2nd St	1875	X		X	Contributing Structure
859 S 2nd St	1901			X	Contributing Structure
861 S 2nd St	1900			X	Contributing Structure
942 S 2nd St	1890	X		X	Contributing Structure
740 S 3rd St	ca. 1885			X	Contributing Structure
741 S 3rd St	1904			X	Contributing Structure
754 S 3rd St	1898	X		X	Contributing Structure
756 S 3rd St	1895	X		X	Contributing Structure
757 S 3rd St	1901				Identified Structure
758 S 3rd St	1895	X		X	Contributing Structure
792 S 3rd St	1895	X		X	Contributing Structure
796 S 3rd St	1895	X		X	Contributing Structure
818 S 3rd St	1910			X?	
851 S 3rd St	1890	X		X	Contributing Structure
910 S 3rd St	1898				Identified Structure
912 S 3rd St	1880	X		X	Contributing Structure
918 S 3rd St	1900				Identified Structure
1098 S 3rd St/ 101-145 Keyes	1930				Structure of Merit
1001-1065 S 5th St	1925				Structure of Merit
831 S 5th St	1925/1954				Structure of Merit
1115 S 6th St	1908				Identified Structure
1129 S 6th St	1920				Identified Structure
1133 S 5th St	1910				Identified Structure
1141 S 6th St	1912				Identified Structure

[1]NRHP -National Register of Historic Places
[2]CRHR -California Register of Historic Places

Source: Basin Research Associates

An architectural field review was conducted for this project for the purpose of identifying properties needing further consideration to determine National Register/California Register eligibility. The survey consisted of a pedestrian "windshield" survey of building, structures, features, and landscape(s) to identify properties eligible for the National Register/California Register. The survey was based on physical appearance only. The architectural field review also identified an additional 23 buildings within the MGSP as possibly eligible for the National Register/California Register on the basis of architecture, (refer to Table 5, code 1). An additional 31 buildings were found to have visual interest but need more research to determine eligibility for the previously mentioned lists, (refer to Table 5, code 2). In addition, 161 buildings/structures were identified as common examples of types and styles and do not appear eligible on the basis of architecture, but could be eligible on other criteria, (refer to Table 5, code 3).

Table 5: Potential Historic Resources

Street Address	Year Built	National Register	California Register	City of San José Landmark	Historic District
72 Hollywood Ave	1915	3	3	3	
77 Hollywood Ave	1915	3	3	3	
82 Hollywood Ave	1925	3	3	3	
87 Hollywood Ave	1925	3	3	3	
92 Hollywood Ave	1915	3	3	3	
95 Hollywood Ave	1915	3	3	3	
104 Hollywood Ave	1915	3	3	3	
113 Hollywood Ave	1920	3	3	3	
114 Hollywood Ave	1920	3	3	3	
124 Hollywood Ave	1920	3	3	3	
129 Hollywood Ave	1935	3	3	3	
133 Hollywood Ave	1935	3	3	3	
135 Hollywood Ave	1920	3	3	3	
159 Hollywood Ave	1920	3	3	3	
178 Hollywood Ave	1918	3	3	3	
182 Hollywood Ave	1916	3	3	3	
186 Hollywood Ave	1920	3	3	3	
55 E Humboldt St	1920	3	3	3	
79 E Humboldt St	1914	3	3	3	
84 E Humboldt St	1910	3	3	3	
85 E Humboldt St	1915	1	1	1	
88 E Humboldt St	1925	3	3	3	
90 E Humboldt St	1915	3	3	3	
99 E Humboldt St	1918	3	3	3	
124 E Humboldt St	1920	3	3	3	
125 E Humboldt St	1915	2	2	2	
127 E Humboldt St	1915	2	2	2	
132 E Humboldt St	1920	3	3	3	
149 E Humboldt St	1946	3	3	3	
158 E Humboldt St	1918	3	3	3	
163 E Humboldt St	1920	3	3	3	
165 E Humboldt St	1915	2	2	2	
166 E Humboldt St	1920	3	3	3	
235-245 E Humboldt St	1955	3	3	3	

Table 5: Potential Historic Resources					
Street Address	**Year Built**	**National Register**	**California Register**	**City of San José Landmark**	**Historic District**
80-84 Keyes St	1955	3	3	3	
124 Keyes St/ 1102 S. 3rd St	1915/1919	1	1	1	
100 Lewis St	1920	3	3	3	
85 Margaret St	1920	3	3	3	
85 Martha St	1915	3	3	3	
98 Martha St	1950	3	3	3	
123 Martha St	1907	3	3	3	
140 Martha St	1915	3	3	3	
144 Martha St	1918	3	3	3	
185 Patterson St/ 741 S. 5th	1880/1910	3	3	3	
21 E Virginia St	1950	3	3	3	
91 E Virginia St	1955	3	3	3	
140 E Virginia St	1880/1901	2	2	2	1
143 E Virginia St	1922	3	3	3	
148 E Virginia St	1933	3	3	3	
160 E Virginia St	1954	1	1	1	
195 E Virginia St	1955	3	3	3	
250 E Virginia St	1955	3	3	3	
702 S 1st St	1910	2	2	2	
724 S 1st St	1930	3	3	3	
734-6 S 1st St	1938	3	3	3	
780 S 1st St	1948	3	3	3	
842 S 1st St	1946	2	2	2	
860 S 1st St	1919	1	1	1	
914 S 1st St	1940	3	3	3	
920 S 1st St	1935	3	3	3	
940 S 1st St	1925	3	3	3	
950 S 1st St	1939	3	3	3	
960 S 1st St	1948	3	3	3	
976 S 1st St	1945	3	3	3	
980 S 1st St	1950	3	3	3	
994 S 1st St	1950	3	3	3	
1010 S 1st St	1951	2	2	2	
1056 S 1st St	1947	3	3	3	
1058 S 1st St	1930	3	3	3	
684 S 2nd St	1895	2	2	2	
706 S 2nd St	1912	2	2	2	
712 S 2nd St	1875	2	2	2	
720 S 2nd St	1904	3	3	3	
721 S 2nd St	1901	3	3	3	
726 S 2nd St	1880	3	3	3	
727 S 2nd St	1906	3	3	3	
730 S 2nd St	1925	2	2	2	
738 S 2nd St	1901	3	3	3	

Table 5: Potential Historic Resources					
Street Address	**Year Built**	**National Register**	**California Register**	**City of San José Landmark**	**Historic District**
741-3 S 2nd St	1907	3	3	3	
744 S 2nd St	1904	3	3	3	
761-3 S 2nd St	1940	3	3	3	
766 S 2nd St	1922	3	3	3	
772 S 2nd St	1885/1898	3	3	3	
775 S 2nd St	1907	3	3	3	
798 S 2nd St	1925	1	1	1	
831 S 2nd St	1956	3	3	3	
832 S 2nd St	1950	3	3	3	
835 S 2nd St	1901	3	3	3	
838 S 2nd St	1875	2	2	2	
840-42 S 2nd St	1912	3	3	3	
854 S 2nd St	1910	3	3	3	
857 S 2nd St	1902	3	3	3	
858 S 2nd St	1953	3	3	3	
859 S 2nd St	1901	2	2	2	
861 S 2nd St	1900	3	3	3	
868 S 2nd St	1904	3	3	3	
872 S 2nd St	1905	3	3	3	
898 S 2nd St	1904	2	2	2	
900 S 2nd St	1940	2	2	2	
919 S 2nd St	1957	3	3	3	
930 S 2nd St	1918	3	3	3	
942 S 2nd St	1890	2	2	2	
944 S 2nd St	1903	3	3	3	
970 S 2nd St	1914	3	3	3	
980 S 2nd St	1950	3	3	3	
982 S 2nd St	1905	3	3	3	
1002 S 2nd St	1950	3	3	3	
1004 S 2nd St	1915	3	3	3	
1010 S 2nd St	1906	3	3	3	
1082-84 S 2nd St	1930	3	3	3	
1094 S 2nd St	1920	2	2	2	
1200-04 S 2nd St	1921	1	1	1	
1230 S 2nd St	1930	3	3	3	
1236 S 2nd St	1928	3	3	3	
1248 S 2nd St	1920	3	3	3	
695 S 3rd St	1920	2	2	2	
710 S 3rd St	1880	1	1	1	
711 S 3rd St	1948	2	2	2	
728 S 3rd St	1935	3	3	3	
731 S 3rd St	1900	3	3	3	
732 S 3rd St	1948	3	3	3	
740 S 3rd St	ca. 1885	2	2	2	1
741 S 3rd St	1904	3	3	3	
754 S 3rd St	1898	1	1	1	1
756 S 3rd St	1895	1	1	1	1

Table 5: Potential Historic Resources					
Street Address	**Year Built**	**National Register**	**California Register**	**City of San José Landmark**	**Historic District**
757 S 3rd St	1901	1	1	1	
758 S 3rd St	1895	1	1	1	1
759 S 3rd St	1957	3	3	3	
760 S 3rd St	1895	1	1	1	1
787 S 3rd St	1900	2	2	2	
792 S 3rd St	1895	1	1	1	1
796 S 3rd St	1895	1	1	1	1
801 S 3rd St	1900	1	1	1	1
802 S 3rd St	1901	1	1	1	1
815 S 3rd St	1900	1	1	1	1
817 S 3rd St	1875/1890	1	1	1	1
818 S 3rd St	1910	2	2	2	
826 S 3rd St	1905	3	3	3	
829 S 3rd St	1903	1	1	1	1
839 S 3rd St	1901	3	3	3	
847 S 3rd St	1880	2	2	2	
849 S 3rd St	1915	2	2	2	
850 S 3rd St	1898	3	3	3	
851 S 3rd St	1890	1	1	1	
852 S 3rd St	1890	2	2	2	
853 S 3rd St	1895	2	2	2	
854 S 3rd St	1918	3	3	3	
855 S 3rd St	1898	1	1	1	
856 S 3rd St	1908	3	3	3	
891 S 3rd St	1895	3	3	3	
897 S 3rd St	1915	3	3	3	
898 S 3rd St	1904	3	3	3	
910 S 3rd St	1898	3	3	3	
912 S 3rd St	1880	3	3	3	
918 S 3rd St	1900	2	2	2	
938 S 3rd St	1950	3	3	3	
939 S 3rd St	1922	3	3	3	
945 S 3rd St	1920	3	3	3	
949-51 S 3rd St	1952	2	2	2	
957 S 3rd St	1948	3	3	3	
965 S 3rd St	1918	3	3	3	
977 S 3rd St	1915	3	3	3	
1009-11 S 3rd St	1918	3	3	3	
1013 S 3rd St	1920	3	3	3	
1025 S 3rd St	1928	3	3	3	
1031-33 S 3rd St	1940	3	3	3	
1098 S 3rd St/ 101-145 Keyes	1930	1	1	1	
1125 S 3rd St	1945	3	3	3	
1145 S 3rd St	1950	3	3	3	
1192 S 3rd St	1951	3	3	3	
739 S 5th St	1924	3	3	3	

Table 5: Potential Historic Resources

Street Address	Year Built	National Register	California Register	City of San José Landmark	Historic District
750 S 5th St	1925	3	3	3	
756 S 5th St	1925	3	3	3	
770 S 5th St	1921	3	3	3	
784-90 S 5th St	1919	3	3	3	
831 S 5th St	1925/1954	2	2	2	
1001-1065 S 5th St	1925	1	1	1	
1036 S 5th St	1955	3	3	3	
1044 S 5th St	1955	3	3	3	
1098 S 5th St	1955	3	3	3	
854 S 6th St	1905	3	3	3	
858 S 6th St	1905	3	3	3	
862 S 6th St	1905	3	3	3	
864 S 6th St	1905	3	3	3	
886-8 S 6th St	1922	3	3	3	
930 S 6th St	1907	3	3	3	
950 S 6th St	1908	3	3	3	
956 S 6th St	1895	3	3	3	
960 S 6th St	1920	3	3	3	
974 S 6th St	1931	3	3	3	
976 S 6th St	1937	3	3	3	
984 S 6th St	1912	3	3	3	
990 S 6th St	1950	3	3	3	
1000 S 6th St	1935	3	3	3	
1010 S 6th St	1930	3	3	3	
1018 S 6th St	1928	3	3	3	
1030 S 6th St	1938	3	3	3	
1036 S 6th St	1937	3	3	3	
1048 S 6th St	1937	3	3	3	
1057 S 6th St	1948	3	3	3	
1065 S 6th St	1929	3	3	3	
1098 S 6th St	1937	3	3	3	
1124 S 6th St	1954	3	3	3	
1129 S 6th St	1920	3	3	3	
1133 S 6th St	1910	2	2	2	
1134 S 6th St	1954	3	3	3	
1141 S 6th St	1912	2	2	2	
1144 S 6th St	1924	3	3	3	
1152 S 6th St	1924	3	3	3	
1158 S 6th St	1918	3	3	3	
1178 S 6th St	1936	3	3	3	
1187 S 6th St	1945	3	3	3	

Code 1=Property appears eligible for the National Register/California Register on basis of architecture

Code 2=Has visual interest but more research is required; may be eligible for the National Register/California Register

Code 3=Common example of common types or styles - does not appear eligible for the National Register/California Register on the basis of architecture

2. Environmental Checklist and Discussion

CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:	☐	☒	☐	☐	☐	1,15
1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?						
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☐	☒	☐	☐	1,15
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☐	☒	☐	1,15
4) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐	☐	1,15

Discussion: **Prehistoric Resources**

Although there are no recorded prehistoric resources reported in the MGSP area, excavation and ground disturbance for large scale projects could encounter buried prehistoric cultural resources.

Impact: Future development in the MGSP area could result in significant impacts to buried cultural resources.

Historic Resources

As previously discussed there are a number of known historic and other potentially historic resources in the MGSP area. Future development could result in demolition of historic structures. The construction of a public street with a pedestrian emphasis from South Fifth Street to the railroad right-of-way would necessitate an alteration to the American Can Company warehouse that could result in a significant impact to that historical resource.

Impact: Future development in the MGSP Area could result in the loss of some of these historic structures. Because no specific development, redevelopment, or structural modifications are proposed at this time, it is not possible to identify with any certainty which resources might be lost or otherwise impacted.

Mitigation: Implementation of the following *San José 2020 General Plan* and Specific Plan Policies would reduce potential impacts to archaeological and historic resources.

General Plan Policies

- *Historic, Archaeological and Cultural Resources Policy 1* states that because historically or archaeologically significant sites, structures and districts are irreplaceable resources, their preservation should be a key consideration in the development review process.

- *Historic, Archaeological and Cultural Resources Policy 3* states that an inventory of historically and/or architecturally significant structures should be maintained and periodically updated in order to promote awareness of these community resources.

- *Historic, Archaeological and Cultural Resources Policy 4* states that areas with a concentration of historically and/or architecturally significant sites or structures should be considered for preservation through the creation of Historic Preservation Districts.

- *Historic, Archaeological and Cultural Resources Policy 5* states that new development in proximity to designated historic landmark structures and sites should be designed to be compatible with the character of the designated historic resource.

- *Historic, Archaeological and Cultural Resources Policy 6* states that the City should foster the rehabilitation of individual buildings and districts of historic significance and should utilize a variety of techniques and measures to serve as incentives toward achieving this end. Approaches which should be considered for implementation of this policy include, among others: Discretionary Alternate Use Policy Number 3, permitting flexibility as to the uses allowed in structures of historic or architectural merit; transfer of development rights from designated historic sites; tax relief for designated landmarks and/or districts; alternative building code provisions for the reuse of historic structures; and such financial incentives as grants, loans and/or loan guarantees to assist rehabilitation efforts.

- *Historic, Archaeological and Cultural Resources Policy 7* states that structures of historic, cultural or architectural merit which are proposed for demolition because of public improvement projects should be considered for relocation as a means of preservation. Relocation within the same neighborhood, to another compatible neighborhood or to the San José Historical Museum should be encouraged.

- *Historic, Archaeological and Cultural Resources Policy 9* recognizing that Native American burials may be encountered at unexpected locations, states that the City should impose a requirement on all development permits and tentative subdivision maps that upon discovery of such burials during construction, development activity will cease until professional archaeological examination and reburial in an appropriate manner is accomplished.

Martha Gardens Specific Plan Design Policies

The following Specific Plan policies proposed for the MGSP would reduce or avoid possible impacts to cultural resources.

- ***Policy 2.1:*** **The Victorian-era homes along Second and Third Streets should be preserved and enhanced.** The Specific Plan calls for the preservation of the Victorian homes within the neighborhood; any modifications to the homes should maintain key character-defining exterior elements as described in the design guidelines.

- ***Policy 2.2:*** **Continued residential use and limited and/or partial adaptive reuse of the historic homes is encouraged.** To encourage the viable restoration and adaptive reuse of the historic homes, provision is made in the Specific Plan to allow for a variety of uses, including multi-family housing, small-scale commercial and professional offices and other compatible uses that do not compromise the historic integrity of the structures.
- ***Policy 2.3:*** **Adaptive use and sensitive redevelopment of existing carriage houses is encouraged**. The existing carriage houses along the rear alleys reinforce the traditional and historic character of the Victorian neighborhood. The Plan calls for these carriage houses to be preserved and adaptively used, wherever possible. If the existing condition does not arrant reuse, redevelopment in a manner that maintains a similar scale and character is encouraged. The security of small residential units built above garages facing onto the mews will promote security in the mews, and will enhance the grain and character of the neighborhood.
- ***Policy 2.4:*** **New residential infill development that complements and extends the fine-grained pattern and character of Victorian homes is encouraged.** Residential infill development of underutilized or vacant sites is encouraged. New construction should be built with a compatible scale, setback and footprint as the existing historic homes in the sub-area, and with a similar palette of materials and a complementary level of detailing. While the Plan does not require new buildings to exactly replicate the historic treatment of Victorian homes, it should incorporate compatible materials, reflect a similar attention to detail, and provide a similar orientation and relationship to the street. Front entries for new development should be oriented towards the street where possible, and the entrances of new buildings should adopt the character of the Victorian homes by providing a transition between the street and the front door of the building in the form of a porch or front stoop.
- ***Policy 3.1:*** **Adaptive reuse of existing warehouse structures for arts-related uses is encouraged.** As industrial and distribution uses relocate over time to other parts of the City, historic warehouse structures in the sub-area should be maintained and adaptively reused. Arts-oriented and cultural uses are particularly encouraged, including artist studios, loft housing, galleries, workshops, classrooms, neighborhood serving retail and small commercial offices for the creative industries.

- ***Policy 4.1:*** **Existing enclaves of single-family residential should be preserved and enhanced.** No increase in intensity or height is proposed for the existing residential enclaves within the sub-area, including the eastern side of Sixth Street (between Bestor and Virginia Streets), and along the eastern side of Fifth Street north of Virginia Street. Existing homes along these frontages should be preserved and rehabilitated wherever possible and new compatible infill development is encouraged in this area.
- ***Policy 4.5:*** **Adaptive reuse of the American Can Warehouse along Fifth Street is encouraged.** The Specific Plan encourages the reuse of the historic timber American Can warehouse building located between the abandoned Union Pacific rail right-of-way and Fifth Streets for uses that make a positive contribution to the neighborhood. Such uses could include loft housing, arts-related workshops and studios, and neighborhood-serving commercial uses.
- ***Policy 5.3:*** **The adaptive reuse of the Herbert Packing warehouse for neighborhood-oriented uses.** As part of the creation of a neighborhood-serving retail corridor along Keyes Street, the specific plan encourages the adaptive reuse of the historic Herbert Packing warehouse, located at the corner of Keyes and Third Streets, for neighborhood serving uses. For instance, the reuse of this building could include a local serving grocery market with parking accommodated at the rear of the building.

3. Conclusion

Implementation of the mitigation measures described above would reduce most impacts to cultural resources to a less than significant level. Possible designation of a historic district on South Third Street between Patterson and East Virginia Street, including some structures further south on Third Street and east on Virginia Street shall be investigated. The implementation of the aforementioned mitigation measures, including an investigation of the possible historic district, in the MGSP area would reduce or avoid cultural resource impacts to a less than significant level.

Mitigation Measures to be Considered At the Time of Future Development

Archaeological Assessment Report

The following methods for addressing the assessment and future protection of archaeological resources in the Martha Garden Specific Plan shall be applied:

- Any projects (e.g. office towers, underground parking structures, multi-residential units, demolition of buildings/structures, municipal infrastructure replacement and improvement projects with substantial trenching, etc.) which shall include substantial ground disturbance two feet below the present level, could be required to complete an Archaeological Assessment Report in accordance with current City policies. Sufficient research (e.g., review of historic maps, building permits, etc.) shall be included in the report to determine the effect of the project on subsurface archaeological deposits.

Mitigation recommendations to reduce effects to a less than significant level shall also be included.

Standard Conditions for Excavation Activities

Although it is unlikely that buried cultural resources would be encountered, standard conditions for excavation activities shall be applied to new projects in the MGSP area as described below.

- In the event any significant cultural materials are encountered, all construction within a radius of 50 feet of the find shall be halted, the Director of Planning, Building and Code Enforcement and the Department of Public Works will be notified, and a qualified archaeologist will examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials.

- In the event that human remains and/or cultural materials are found, all project related construction shall cease within a 50-foot radius of the field in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:

  a. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

  b. A final report shall be submitted to the Director of Planning and the Director of Public Works. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Director of Planning.

  The measures outlined above are consistent with Historic, Archaeological and Cultural Resources Policy 9 in the *San José 2020 General Plan*.

Historic Assessment Report

The following methods for addressing the assessment and future protection of architectural resources in the Martha Garden Specific Plan shall be applied:

- The completion of a report including additional historical research, the completion or updating of any required state and City forms and the formal evaluation of the building/structures identified in Table 4 and 5 shall be required of any proposed development or redevelopment on the identified properties. Appropriate mitigation measures should be developed in order to mitigate impacts to historic resources to a less than significant level.

- Mitigation for significant buildings/structures shall include their retention and rehabilitation in accordance with the *Secretary of the Interior's Standards and Guidelines for Rehabilitating Historic Buildings.*

The following mitigation measures, alone or in combination, may not mitigate project impacts to a less than significant level, although, they could help preserve information pertaining to the historic resources of the MGSP area.

- Document the building (including setting) according to the Outline Format in the *Historic American Buildings Survey Guidelines for Preparing Written Historical Descriptive Data* and the *Photographic Specifications – Historic American Building Survey*. A copy of the documentation, with original photo negatives, shall be placed in an historical archive or history collection accessible to the general public with an additional four copies distributed to other local and regional depositories.

- Salvage and/or typical architectural features from the affected building(s) should be made available to facilitate the reuse of the building materials. Project impacts will be reduced commensurate with the percentage of the existing building(s) that can be incorporated into the design for any new buildings, or preserved.

- Historic names should be incorporated into any new buildings.

- Develop a public exhibit/education program should be to present the interpretive information with a focus on the MGSP area and topics of interest to this area.

F. GEOLOGY AND SOILS

1. Setting

The project area is approximately 100 feet above mean sea level. The topography in the immediate area is gently sloping to the north-northeast. The surface is relatively flat.

The Martha Gardens area is located in the Santa Clara Valley, which is a northwest trending basin bounded to the southwest by the Santa Cruz Mountains and the San Andreas Fault and to the northeast by the Calaveras and Hayward Faults and the Diablo Mountain Range. The regional geology south of San Francisco Bay consists of estuarine mud which grades into alluvium shed from the nearby mountains. The subsurface stratigraphy in the vicinity of the project area consists of mixtures of sand and gravel of high permeability alternating with mixtures of clay and silt of low permeability.

The area has a moderate to high susceptibility to liquefaction and is located in a moderately expansive soil zone.

Based on the regional and local topographic gradient, groundwater is inferred to flow to the north-northeast in the project area.

The City of San Jose is located within Santa Clara County, which is part of the seismically active San Francisco Bay Area. It is classified as Zone 4, the most seismically active zone in the United States. The San Andreas Fault lies approximately 12 miles to the southwest of the area, and the Calaveras Fault is located approximately 10 miles to the northeast. The Monte Vista and Hayward faults are located eight miles to the southwest and six miles to the northeast, respectively. There are no known faults running across the project area, and therefore, fault rupture in the area is unlikely. An earthquake of moderate to high magnitude generated within the San Francisco Bay Region could cause considerable ground shaking at this site. The degree of shaking is dependent on the magnitude of the event, the distance to its zone of rupture and local geologic conditions.

2. Environmental Checklist and Discussion

GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
a) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☒	☐	☐	1,12, 13
b) Strong seismic ground shaking?	☐	☐	☒	☐	☐	1,8,9
c) Seismic-related ground failure, including liquefaction?	☐	☒	☐	☐	☐	8,9,13
d) Landslides?	☐	☐	☐	☒	☐	8,9
2) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	☐	8,13
3) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	☐	8,9,13
4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☒	☐	☐	☐	8,9,13
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	☐	1

Discussion: Soils within the area have a moderate expansion potential, which would potentially impact future buildings.

Impact: The proposed MGSP will result in future residential, commercial and industrial development being built on sites which could contain expansive soils, which could pose a substantial hazard to property and/or human life.

Although the Martha Gardens area is not located on or near an earthquake fault, it is within the seismically active San Francisco Bay Area, and moderate to severe ground shaking is probable during the anticipated life of future residential, commercial, and industrial development. In addition, the area includes an area classified as having a moderate potential for liquefaction.

Impact: Future development allowed by the Martha Gardens Specific Plan would be exposed to potentially significant seismic impacts.

Mitigation: Adherence to the following General Plan Policies would reduce the potential soils and geology impacts to a less than significant level:

- *Soils and Geology Conditions Policy 1* states that the City should require soils and geologic review of development proposals to assess such hazards as potential seismic hazards, surface ruptures, liquefaction, landsliding, mudsliding, erosion and sedimentation in order to determine if these hazards can be adequately mitigated.

- *Soils and Geologic Conditions Policy 6* states that development in areas subject to soils and geologic hazards should incorporate adequate mitigation measures.

- *Soils and Geologic Conditions Policy 8* states that development proposed within areas of potential geological hazards should not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties.

- *Earthquake Policy 1* states that the City should require that all new buildings be designed and constructed to resist stresses produced by earthquakes.

- *Earthquake Policy 5* states that the City should continue to require geotechnical studies for development proposals; such studies should determine the actual extent of seismic hazards, optimum location for structures, the advisability of special structural requirements, and the feasibility and desirability of a proposed facility in a specified location.

Other Programmed Mitigation Measures

The following measures would also be implemented to reduce potential geologic and seismic hazards.

- All future buildings located in the MGSP area would be engineered and constructed in accordance with current Uniform Building Code and seismic design criteria for Seismic Zone 4.

3. Conclusion

Implementation of the identified General Plan policies and relevant ordinances will avoid or mitigate potential soils, geologic and seismic hazards impacts to a less than significant level. **(Less Than Significant Impact with Mitigation)**

Mitigation Measure to be Considered
At the Time of Future Development

Geologic and Soils Impacts

- Detailed site-specific soils and geologic investigations will be required prior to design and construction of all future new structures with the MGSP area.

G. HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based upon a limited environmental evaluation completed by *Lowney Associates* in June 2003. This report is available for viewing in the City of San José Planning, Building, and Code Enforcement Department during normal business hours.

The purpose of this report is to evaluate conditions within the MGSP area related to current uses, to identify contamination incidents that have been reported in the plan area or nearby properties, and to recommend measures to reduce any potential hazardous materials impacts.

1. Setting

On-Site

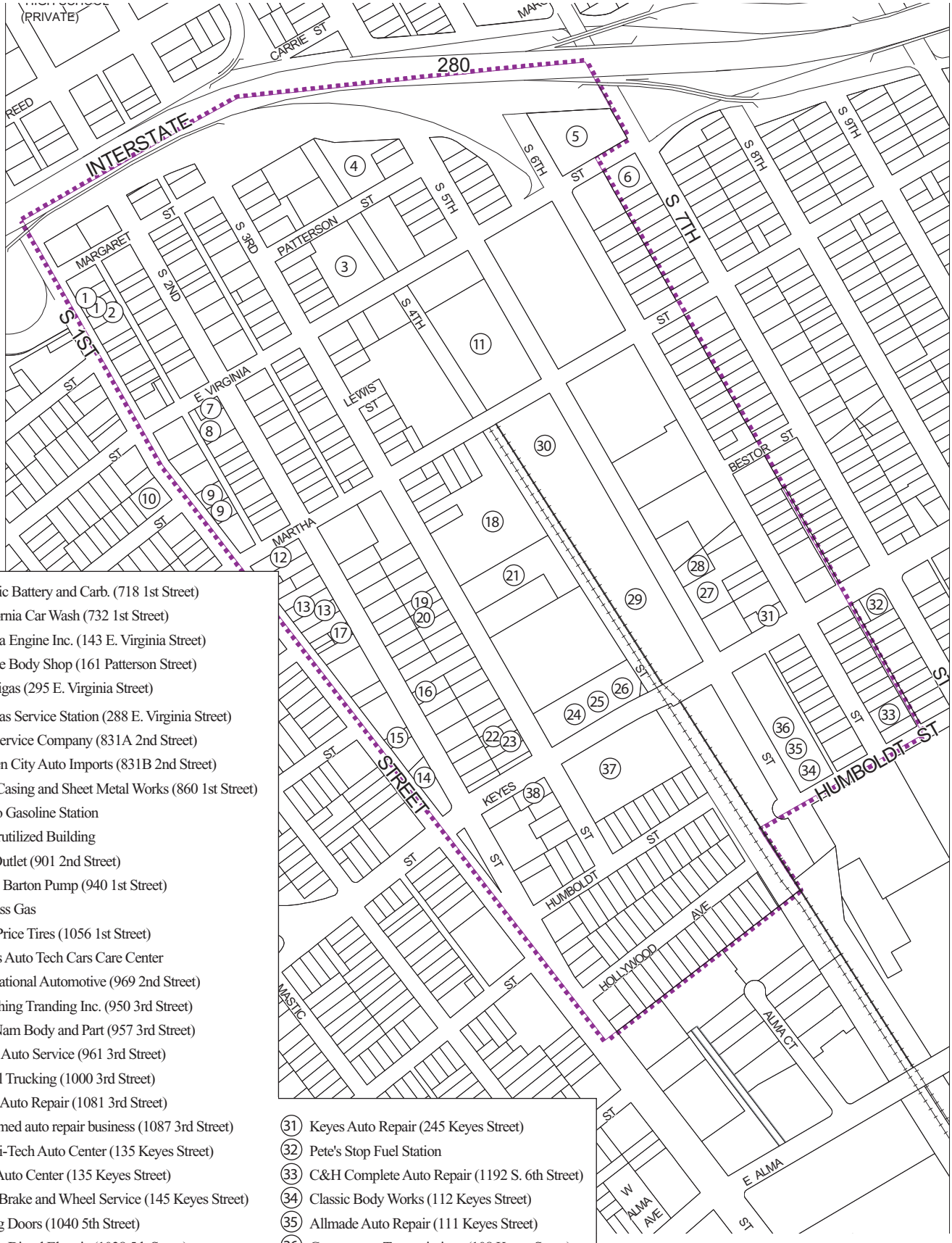
The approximately 145 acre project area is located in a mixed residential, commercial, and industrial area. Existing businesses within the MGSP area that are likely to handle, store, or use hazardous materials are shown on Figure 7. These include automotive-related facilities, sheet metal shops, machine shops, and wood shops.

Various features associated with existing buildings within the MGSP boundaries suggest that historical uses have included industrial and/or manufacturing activities. For example, the smokestack, large water storage tower, large bay doors fronting former railroad tracks, and water mains may have been utilized for manufacturing processes. Dust suppressants, pesticides, herbicides, wood preservatives, lubricants, tar, and insecticides may have been used along the former railroad tracks running throughout the area.

Buildings constructed prior to 1980 are likely to contain asbestos; and buildings constructed prior to 1978 are likely to contain lead-based paint. Due to the age of the buildings within the MGSP area, asbestos-containing materials (ACMs) and lead-based paint may be present in the structures.

During the study, a regulatory database was obtained and reviewed for the area to help establish whether contamination incidents have been reported within the vicinity of the project site. The nearby incidents were screened by their distance from the MGSP boundaries, their direction with respect to anticipated ground water flow, and the reported status and type of spill incident. Based on information available from the Santa Clara Valley Water District (SCVWD), the shallow water bearing zone is likely encountered at depths of approximately nine to 18 feet; groundwater beneath the project area generally flows to the northeast.

Based on the regulatory agency database report, several facilities within the MGSP area were listed as handling, storing, or using hazardous materials. Three facilities were listed that may have a moderate to high potential to significantly impact the soil and/or groundwater quality. *Electric Battery and Carb* at 718 First Street was listed as an active Leaking Underground Storage Tank (LUST) site and active spills, leaks, investigation, and cleanup (SLIC) site. Contaminants of concern at the site include petroleum hydrocarbons and perchlorethylene (PCE). Property at 724 First Street was listed as a leaking underground storage tank (LUST) site. The case status and contaminants of concern were not listed. *Express Gas* at 1098 First Street was also listed as an active LUST site. MTBE reportedly has been detected in groundwater at the site in concentrations up to 898 ppb.



1. Electric Battery and Carb. (718 1st Street)
2. California Car Wash (732 1st Street)
3. Wonda Engine Inc. (143 E. Virginia Street)
4. B-Line Body Shop (161 Patterson Street)
5. Amerigas (295 E. Virginia Street)
6. Cal Gas Service Station (288 E. Virginia Street)
7. Tire Service Company (831A 2nd Street)
8. Golden City Auto Imports (831B 2nd Street)
9. Well Casing and Sheet Metal Works (860 1st Street)
10. Valero Gasoline Station
11. Underutilized Building
12. Tire Outlet (901 2nd Street)
13. Bruce Barton Pump (940 1st Street)
14. Express Gas
15. Low Price Tires (1056 1st Street)
16. Tuan's Auto Tech Cars Care Center
17. International Automotive (969 2nd Street)
18. Evershing Tranding Inc. (950 3rd Street)
19. Viet Nam Body and Part (957 3rd Street)
20. A&A Auto Service (961 3rd Street)
21. Grifall Trucking (1000 3rd Street)
22. Perez Auto Repair (1081 3rd Street)
23. Unnamed auto repair business (1087 3rd Street)
24. TN Hi-Tech Auto Center (135 Keyes Street)
25. Yips Auto Center (135 Keyes Street)
26. Buds Brake and Wheel Service (145 Keyes Street)
27. Viking Doors (1040 5th Street)
28. Larry's Diesel Electric (1038 5th Street)
29. Moonlight Cabinets (1023 5th Street)
30. Garage Doors (1001 5th Street)
31. Keyes Auto Repair (245 Keyes Street)
32. Pete's Stop Fuel Station
33. C&H Complete Auto Repair (1192 S. 6th Street)
34. Classic Body Works (112 Keyes Street)
35. Allmade Auto Repair (111 Keyes Street)
36. Gearmasters Transmissions (108 Keyes Street)
37. JTR Area Distributors
38. Reinegger Frame & Wheel

EXISTING BUSINESSES LIKELY TO USE, HANDLE, OR STORE HAZARDOUS MATERIALS

FIGURE 7

Off-Site

In the vicinity, two LUST sites, *The Regal Service Station* at 288 Virginia Street and a service station at 288 Virginia Street, were listed in the database report to have a moderate to high potential to affect soil and/or groundwater quality beneath the study area. MTBE reportedly has been detected in groundwater at the two sites at concentrations up to 6,900 ppb and 2,600 ppb, respectively. Active remediation systems were observed at both facilities.

Because of the age of the facilities and the nature of past uses, available records would not reflect past use of hazardous materials prior to the creation of regulations for monitoring use, spills and other accidental releases, and contamination.

2. Environmental Checklist and Discussion

HAZARDS AND HAZARDOUS MATERIALS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☒	☐	☐	☐	1
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐	☐	1,7
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☒	☐	☐	☐	1,7
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☒	☐	☐	☐	1,7
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1

HAZARDS AND HAZARDOUS MATERIALS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐	1
8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	☐	1

Discussion: **On-Site Impacts**

The project area is not within the Santa Clara County Airport Land Use Commission (ALUC) jurisdiction, nor is it on a designated evacuation routes. The area is also not within an area subject to wildfires.

Currently, several facilities within the specific plan boundaries handle, store, or use hazardous materials. There have also been releases of hazardous materials within the MGSP boundaries and on nearby properties upgradient from the project area. There are former railroad tracks running along Fourth Street though the center of the plan area. Historically, assorted chemicals have been used for dust suppression and weed control along rail lines, and as a result, impacted soil may be present on-site. Based on existing and historic industrial uses within the project area, there is a high potential for soil and groundwater contamination.

Future residential development and public park uses within the MGSP property will include landscaping and outdoor activity areas. Many of the future developments will include below grade construction, and all new development will involve some amount of grading, trenching, and/or excavation. Future redevelopment of the project area, therefore, could expose future residents and/construction workers to contaminated soil and/or groundwater that may pose a health risk.

The MGSP area is proposing to plan for a new school. The new school is represented on the Proposed Land Use Plan (Figure 6) as a "floating" star to indicate that its location is not tied to any one site. While the star is placed on a particular site, it is because that site possesses some important advantages as a school site. The storage, handling, and use of acutely hazardous materials by industrial uses in proximity (within one-quarter mile) of existing and proposed residential uses and schools will be prohibited under the MGSP. Limiting the proximity of sensitive uses to exposure from acutely hazardous materials in combination with

the City's existing regulatory restrictions on the use, storage, and handling of all hazardous materials will minimize or avoid potentially significant adverse hazardous materials impacts.

Impact: Implementation of the proposed MGSP may result in exposure of persons to contaminated soils and/or groundwater within the plan area.

Asbestos-Containing Materials and Lead-Based Paint

Many of the buildings with the MGSP boundaries were built before 1978 and are likely to contain asbestos and lead-based paint. Future development could result in demolition of these structures or substantial remodeling. Demolition or remodeling of these buildings may disturb materials containing asbestos and lead-based paint, which could expose workers and nearby sensitive receptors to potential health risks from inhalation.

Impact: The implementation of the proposed MGSP could result in the demolition or remodeling of buildings that may contain asbestos and/or lead-based paint, and the release of asbestos and/or lead into the air.

Off-Site Impacts

The project area is located in a mixed residential, commercial, and industrial area adjacent to facilities that are likely to use, handle, and/or store hazardous materials. Businesses also change over time, and new companies may move to this area. Any industrial uses (and many commercial buildings) may include hazardous materials whose accidental release could result in off-site impacts. A new uses of an extremely hazardous material could trigger notification of potentially sensitive receptors, but the City of San José could not deny permits for the use of such materials to the industrial businesses proposing the use. The City of San José has in place ordinances regulating the storage and use of materials whose hazardous release would cause significant off-site consequences. Future industrial use of acutely hazardous materials near sensitive populations and habitats could increase the likelihood of an adverse impact occurring as a result of a leak or spill. In addition, known contamination incidents in the project area may have impacted groundwater below the MGSP area.

The use of extremely hazardous materials close to a school has potentially significant implications for both the school population, and for the delivery of public safety services for the community as a whole. In the event of an accidental release of a toxic substance upwind of a school or residential area, a release could reach the school or residential area prior to an evacuation being completed. Because children can not evacuate themselves, the evacuation of a school would require a disproportionate number of public safety (fire and police) personnel. Locating industrial uses of toxic gases near sensitive uses has the potential to deprive other areas of community of fire and police protection, which would be particularly significant during a public emergency such as an earthquake.

The proposed MGSP has policies that describe measures that will be taken to avoid conflicts between sensitive receptors and hazardous materials uses. Specifically, the storage, handling, and use of acutely hazardous materials by industrial uses in proximity (within one-quarter mile) of existing and proposed residential uses and schools will be prohibited under the MGSP. Limiting the proximity of sensitive uses to exposure from acutely hazardous materials in combination with the City's existing regulatory restrictions on the use, storage, and handling of all hazardous materials will minimize or avoid potentially significant adverse hazardous materials impacts.

Impact: Industrial uses adjacent to the MGSP area and hazardous material contamination outside the MGSP boundaries may expose future occupants of the plan area to a significant risk associated with the storage, use and disposal of hazardous material or existing hazardous materials contamination.

Mitigation: The following General Plan policies and MGSP policies would reduce future potential hazardous materials impacts in the project area to a less than significant level:

- *Hazardous Materials Policy 1* states that the City should require proper storage and disposal of hazardous materials to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substance, especially at the time of disposal.

- *Hazardous Materials Policy 2* states that the City should support State and Federal legislation which strengthens safety requirements for the transportation of hazardous materials.

- *Hazardous Materials Policy 3* states that the City should incorporate soil and groundwater contamination analysis within the environmental review process for development proposals. When contamination is present on a site, the City should report this information to the appropriate agencies that regulate the cleanup of toxic contamination.

- *Hazardous Waste Management Policy 9* states that proper storage and disposal of hazardous wastes shall be required to prevent leaks, explosions, fires, or the escape of harmful gases, and to prevent materials from combining to form hazardous substances and wastes.

- *Hazards Policy* 1 states that development should only be permitted in those areas where potential danger to health, safety, and welfare of the residents of the community can be mitigated to an acceptable level.

- *Water Resources Policy 7* states that the City shall require the proper construction and monitoring of facilities storing hazardous materials in order to prevent contamination of the surface water, groundwater, and underlying aquifers. In furtherance of this policy, design standards for such facilities should consider high groundwater tables and/or the potential for freshwater or saltwater flooding.

- *Water Resources Policy 8* states that the City should establish non-point source pollution control measures and programs to adequately control the discharge of pollutants into the City's storm sewers.

- *Residential Land Use Policy 5* states residential development should be allowed in areas with identified hazards to human habitation only if these hazards are adequately mitigated.

Other Programmed Mitigation Measures

Based on existing laws and regulations, the following mitigation measures would be incorporated during project level review of future development to further minimize hazardous materials impacts:

- *AB3205 (Risk Management)* contains legislation that requires businesses which use extremely hazardous materials to submit a Risk Management and Prevention Plan to the administering agency upon request. The Santa Clara County Department of Health Services, Toxic Substance Control Division is the administering agency for the local implementation of AB3205. The required plans identify specific risks associated with the use and storage of extremely hazardous materials at specific locations, along with potential target populations which may be at risk.

- *AB2185 and AB3777* contain requirements for emergency response plans. The purpose of these plans is to assist local agencies in preparing for a hazardous materials spill. Emergency plans identify the potential for accidents in a community, define a chain of command in the event of an emergency, outline escape routes if necessary, and provide other emergency procedures. Each responsible agency maintains detailed operation procedures for responses to hazardous materials problems.

- *Toxic Gas Ordinance, Chapter 17.78, San José Municipal Code* provides a uniform, countywide program for the prevention, control and mitigation of dangerous conditions, to provide for building standards and for emergency response to protect the public from acute exposure due to accidental releases of toxic gases.

- All demolition activities would be undertaken according to OSHA, and EPA standards to protect workers, and off-site occupants from exposure to asbestos and lead based paint. Specific measures include air monitoring during demolition/construction activities which include existing buildings.

- Building materials classified as hazardous materials would be disposed of in conformance with Federal, State, and Local laws.

- Cleanup and remediation of the site would be required to meet all Federal, State and Local regulations. All storage tanks will be properly closed and removed according to the City of San José Fire Department standards prior to development.

Martha Garden Specific Plan Policy

- ***Policy 4.3:*** **Appropriate setbacks and buffer treatments should be established between new residential development and industrial uses that choose to remain within the area.** The Plan recognizes that existing industrial and distribution uses may remain within the Martha Park sub-area, and that potential land use conflicts could occur between these uses and newly developing residential uses. To avoid such

conflicts, the Plan calls for new development that occurs adjacent to existing industrial or general commercial uses to incorporate appropriate buffer treatments, including building setbacks, screen walls and roadways, that provide separate on-site access and circulation. In addition, new development should be designed to mitigate noise conditions in compliance with the City of San José General Plan noise compatibility goals.

3. Conclusion

With the incorporation of mitigation required by existing laws and policies, impacts from hazardous materials to future a school and residential development allowed by the proposed General Plan amendment would be reduced to a less than significant level. **(Less than Significant Impact with Mitigation)**

Mitigation Measures to be Considered
At the Time of Future Development

As part of the City's evaluation of future specific development proposals, the following mitigation measures would be considered as part of the project-specific CEQA analysis, and/or as conditions of project approval.

- Phase 1 environmental site assessments will be required. Based on the conclusions and recommendations presented in the Phase I, Phase II sampling and analysis of soil and groundwater would likely be required at sites where hazardous materials were used, stored, or handled to evaluate potential contamination incidents and their impact on the proposed development plans.

- Requirements outlined by Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1 must be followed during demolition if lead-based paint is detected.

- Asbestos surveys will be conducted for buildings constructed prior to 1980 as required under NESHAP guidelines. In addition, NESHAP guidelines require that all potentially friable asbestos containing materials be removed prior to building demolition or remodeling.

- As appropriate, a lead survey of painted surfaces and soil around buildings built prior to 1978 will be performed prior to demolition, rehabilitation, or remodeling. Requirements in the California Code of Regulation will be followed during demolition or construction activities, including employee training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

H. HYDROLOGY AND WATER QUALITY

1. Setting

The topography in project area appears to be gently sloping to the north-northeast. The storm drains lead to the Guadalupe River. None of the project area is within a designated 100-year flood plain. The annual average rainfall in San José is approximately 14 inches, although precipitation can vary greatly year-to-year. Ninety-eight percent of annual precipitation is received during the period from October through May. Storm runoff within the urbanized areas of San José, is discharged into local storm drains which, in turn, flow to the creeks and ultimately to the Bay. Virtually all of the rain that presently falls on the area is discharged to Coyote Creek or Guadalupe River, since the most of the specific plan area is covered with impermeable surfaces.

2. Environmental Checklist and Discussion

HYDROLOGY AND WATER QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	☐	1,2
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒	☐	1,2
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐	☐	1,2
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	☐	☐	☒	☐	☐	1,2

HYDROLOGY AND WATER QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
5) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	☐	1,2
6) Otherwise substantially degrade water quality?	☐	☒	☐	☐	☐	1,2
7) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	☐	1,11
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒	☐	1,11
9) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	☐	1,11
10) Be subject to inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	☐	1

Discussion:

Flood Hazards

The project area is not located within a designated 100-year flood plain and will, therefore, have no impact on 100-year flood flows nor will it expose people or property to floods hazards associated with the 100-year flood. The area is also not subject to seiche or tsunami.

Drainage

The proposed MGSP area is currently completely developed. Additionally, the area has a higher than average building and pavement coverage, so much of the storm water runoff from the area will continue to be collected and conveyed to the City's storm water system. Future development in conformance with current policies and Design Guidelines including the creation of more landscaped areas could potentially reduce the percentage of areas covered by impervious surfaces, potentially causing an incremental reduction in the quantity of runoff. The proposed project will not substantially change the existing drainage patterns in the area, and will not have a substantial impact on the quantity of water draining to existing storm water collection system.

Water Quality

As compared to existing conditions, vehicle use and human activity could potentially increase within the MGSP area, due to the proposed land uses. The amount of pollution carried by runoff from the area could potentially, therefore, increase incrementally. The number of residents at build-out of the MGSP could potentially be lower that the number anticipated at build-out under the current General Plan designations.

Project grading and construction activities could potentially affect the water quality of storm water surface runoff. Construction of the future development would also result in a disturbance to the underlying soils, thereby increasing the potential for sedimentation and erosion. With the substantial amount of excavation that is likely to occur under full project implementation, the surface runoff that could potentially flow through the area during construction is likely to contain sediments that are ultimately discharged into the storm drainage system.

Many sites within the MGSP area have constraints that limit the feasibility of installing post-construction runoff treatment measures that incorporate infiltration as a method of treatment. As mentioned in *Section IV.F. Geology and Soils* of this Initial Study, some of the properties within the MGSP area are located within soil liquefaction areas or other geo-hazard zones. In addition, some sites have soils that are mixtures of clay and silt with low permeability. As discussed in *Section IV.G. Hazards and Hazardous Materials* of this Initial Study, based on information available from the SCVWD, several sites are also located in areas where the shallow-water bearing zone is likely encountered at depths of approximately nine to 18 feet, therefore possibly preventing the use of infiltration methods, due to potential risks to groundwater quality. Several sites also have a high potential for soil or groundwater contamination based on previous industrial uses and storage of hazardous materials. To ascertain constraints and opportunities for post-construction runoff treatment, detailed site-specific soils and geologic investigations will be required prior to the design and construction of proposed post-construction runoff treatment measures.

However, there are potential water quality benefits that are inherent within the MGSP project that could be considered as an alternative method of meeting the requirement for post-construction treatment of runoff. The MGSP area is located within a redevelopment project area, adopted pursuant to the Community Redevelopment Law, (Health & Safety Code § 33000 *et seq*.). With the implementation of the MGSP, there is likely to be a net decrease in impervious surface area, and a net increase in pervious landscaped areas. As compared to the planned build-out under the existing General Plan land-use transportation diagram, the proposed MGSP land-use plan would likely create fewer automobile trips, and more pedestrian and bicycle trips, and therefore, reduce the potential creation of pollutants of concern entering the storm sewer system.

Impact: Implementation of the proposed project could potentially result in increased storm water pollution, particularly during construction.

Mitigation: The following General Plan policies will reduce impacts to water quality to a less than significant impact:

- *Water Resources Policy 7* states that the City shall require the proper construction and monitoring of facilities storing hazardous materials in order to prevent contamination of the surface water, groundwater, and

underlying aquifers. In furtherance of this policy, design standards for such facilities should consider high groundwater tables and/or the potential for freshwater or saltwater flooding.

- *Water Resources Policy 8* encourages the City to establish non-point source pollution control measures and programs to adequately control the discharge of pollutants into the city's storm sewers.

- *Water Resources Policy 9* encourages the city to take a pro-active role in the implementation of the Santa Clara Valley Non-point Source Pollution Control Program, as well as implementation of the City's local non-point source control and stormwater management program.

- *Storm Drainage and Flood Control Level of Service Policy 12* encourages new development to be designed to minimize water runoff.

- *Bay and Baylands Policy 5* states the City should continue to participate in the Santa Clara Valley Non-Point Source Pollution Control Program and take other necessary actions to formulate and meet regional water quality standards which are implemented through the National Pollution Discharge Elimination System Permits and other measures.

Other Programmed Mitigation Measures

The following mitigation measures would be incorporated into individual development projects during project level review to reduce impacts to a less than significant level:

- *Construction Measures:* The State General Construction Activities Permit and the City of San Jose Title 20 have specific requirements for storm water management for projects that disturb one (1) acre or more. All development projects with an approved Development Permit that result in a land disturbance of one (1) acre or more are required, prior to the commencement of any clearing, grading, or excavation, to comply with the State General Construction Activities Permit and the City of San José National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System Permit as follows:

  - The applicant shall develop, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of storm water pollutants including sediments associated with construction activities.

  - The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).

Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include BMPs as specified in the California Storm Water Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities.

Prior to the issuance of a grading permit, the applicant is required to submit copies of the NOI and Erosion Control Plan (if required) to the City Project Engineer, Department of Public Works.

The applicant is required to maintain a copy of the most current SWPPP on site and to provide a copy to any City representative or inspector on demand.

The applicant is required to implement and maintain all best management practices (BMPs) or control measures identified in the SWPPP and/ or Erosion Control Plan.

- *Post-Construction Measures:* Development projects will be required to comply with the City of San Jose's NPDES MS4 Permit. Required development and use permits issued by the City of San Jose will include measures to control pollutants discharged to the stormwater system. Future activities that require a development or use permit will need to be evaluated for appropriate site design, source control, and treatment "best management practices." Examples include, but are not limited to the following:

  - minimization of impervious surfaces;
  - beneficial landscaping including the preservation and planting of appropriate trees and native vegetation;
  - stormwater retention or detention structures;
  - the use of swales, permeable paving, oil/water separators, and other treatment measures;
  - sweeping of streets and on site parking lots;
  - routine storm drain cleaning; and stenciling of storm drain inlets;
  - covering of dumpsters, materials handling areas, and other source control measures.

To mitigate water quality impacts created by individual development proposals, post-construction measures would be incorporated into the individual development project's approved plans, permit conditions, and SWPPPs to the maximum extent practicable.

In situations where post-construction runoff treatment measures involving infiltration are not feasible, other treatment measures may be proposed, or the City may approve alternative measures to mitigate potential water quality impacts to a less than significant level.

3. <u>Conclusion</u>

With the implementation of the General Plan policies and programmed mitigation measures above, the proposed project would not result in significant hydrology or water quality impacts. **(Less than Significant with Mitigation)**

I. LAND USE

1. Setting

The actions which must be taken to implement the project as proposed include the amendment of the City's General Plan text and Land Use/Transportation Diagram, adoption of the Martha Gardens Specific Plan, and ultimately rezoning, issuance of development permits followed by actual development or redevelopment of properties within the Specific Plan boundary. While amending the General Plan and adopting the Specific Plan are not actions which themselves will have physical impacts on the environment, they are necessary steps that precede and enable the subsequent development. In order to evaluate the potential impacts of these actions, it is necessary to first identify the existing "environmental setting", defined as both the existing General Plan and the existing physical conditions.

For the purposes of this Initial Study, "land use" refers to activities taking place on real property, as viewed from a human standpoint – the "use" to which the property is being put. A building is not a land use (although it is a physical condition), since the human activities within and around the building may change over time. Open Space is a category of land use; it implies the absence of other human activities on the property. This discussion will deal with existing land uses currently present. The discussion is divided into the existing General Plan land use designations for the area, and the existing physical conditions.

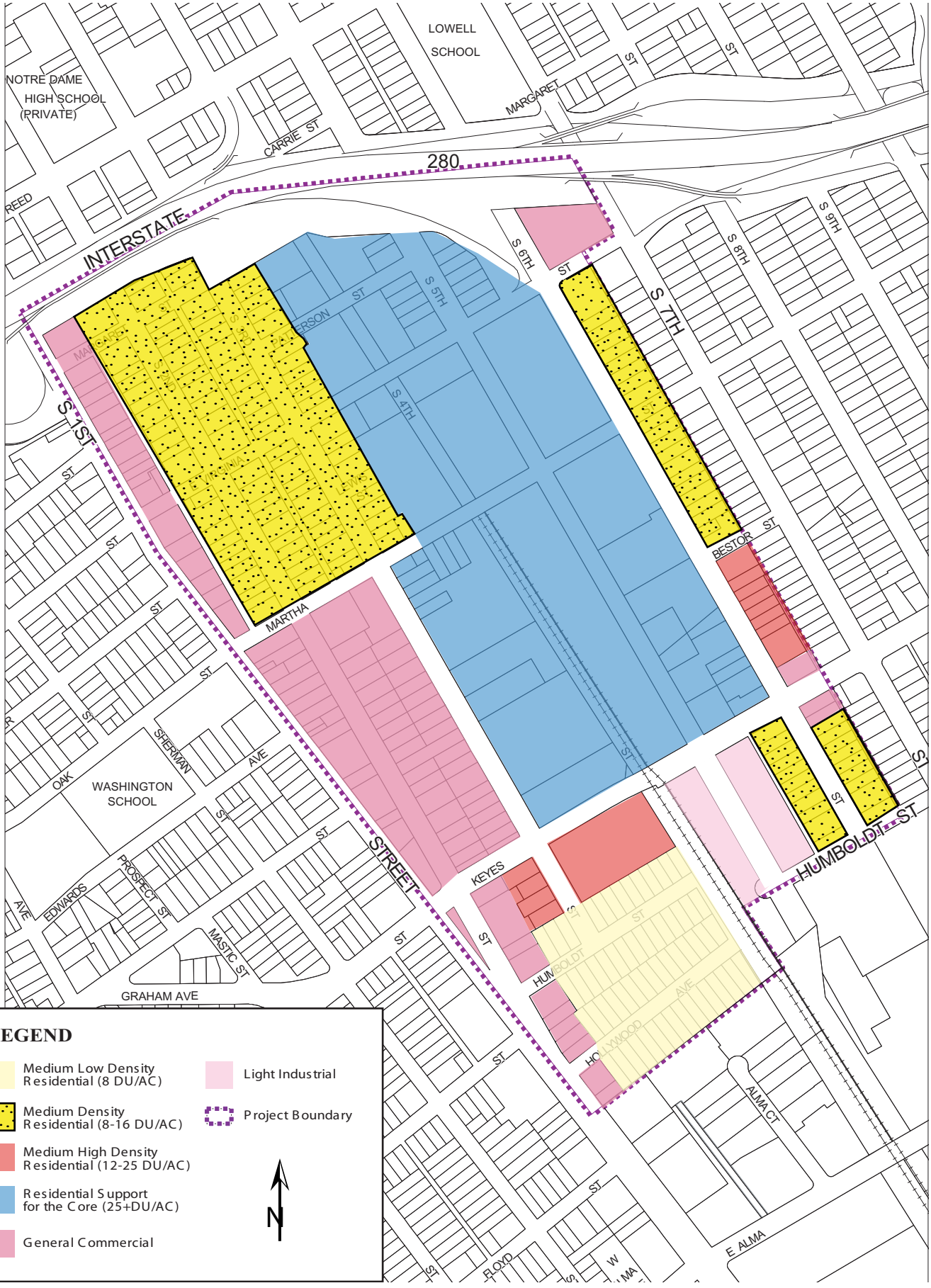
Existing General Plan Designations and Zoning

Figure 8 illustrates the existing General Plan land use designations on the property covered by the Martha Gardens Specific Plan. The MGSP area covers approximately 145 acres of land. Table 6 lists the General Plan land use categories and the estimated acreage of property currently designated under each category for the land within the specific plan area.

Figure 9 illustrates the existing zoning district of the MGSP area. The zoning is similar to the existing land uses with the exception that there substantially less residential zoned properties and there are more industrial and commercial zoned properties than the existing conditions within the project area.

Table 6: Existing General Plan Designations

General Plan Designations	Existing General Plan (acres)
Medium Low Density Residential (8 du/ac)	7.7
Medium Density Residential (8-16 du/ac)	20
Medium High Density Residential (12-25 du/ac)	4.6
Residential Support for the Core Area (25+ du/ac)	41.4
General Commercial	18.2
Light Industrial	3.1
Public Right-of-way (Streets/Alleys/Freeways)	49.7
Total	**144.7**

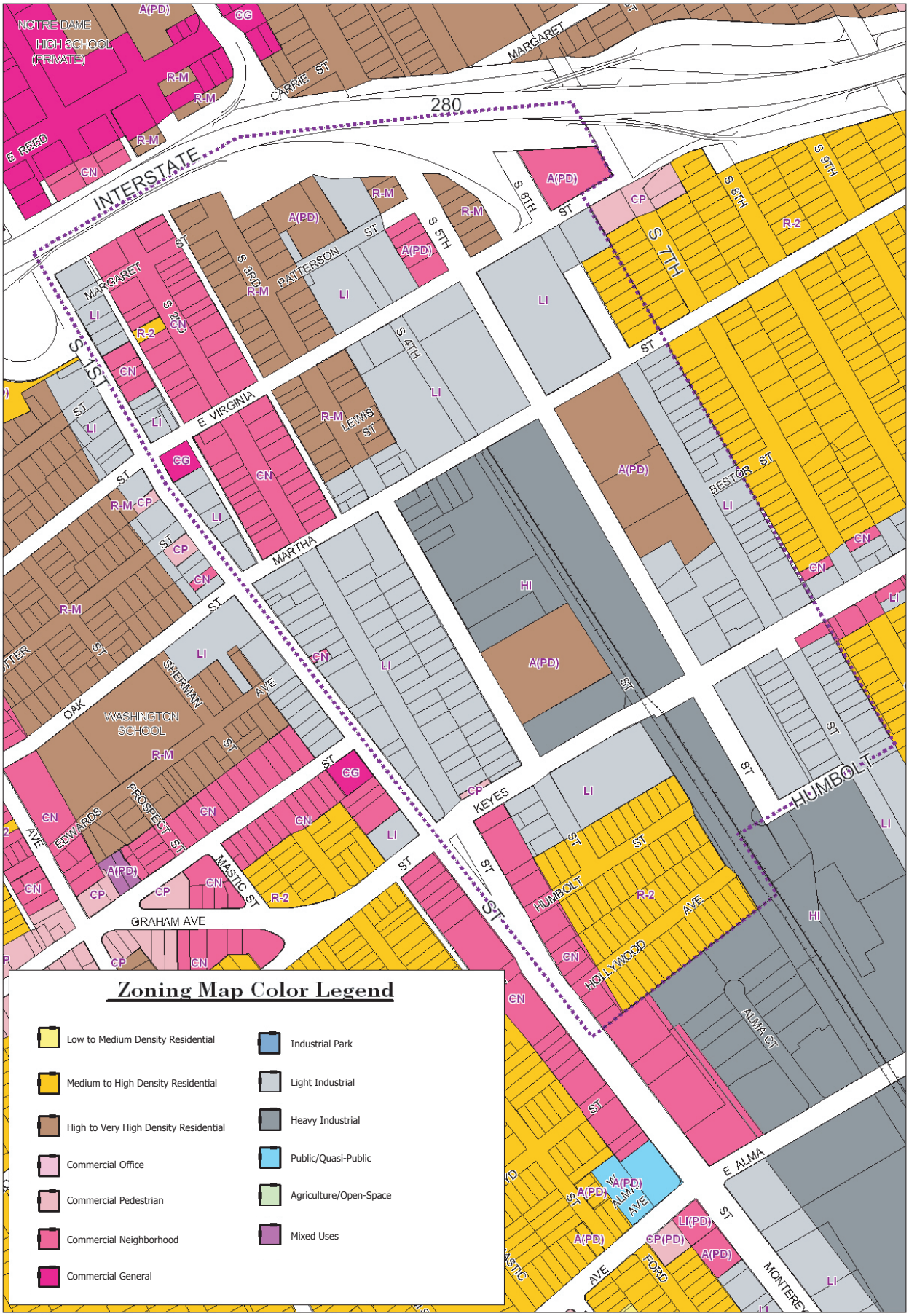


LEGEND

- Medium Low Density Residential (8 DU/AC)
- Medium Density Residential (8-16 DU/AC)
- Medium High Density Residential (12-25 DU/AC)
- Residential Support for the Core (25+DU/AC)
- General Commercial
- Light Industrial
- Project Boundary

N

EXISTING GENERAL PLAN DESIGNATIONS FIGURE 8



Zoning Map Color Legend

- Low to Medium Density Residential
- Medium to High Density Residential
- High to Very High Density Residential
- Commercial Office
- Commercial Pedestrian
- Commercial Neighborhood
- Commercial General
- Industrial Park
- Light Industrial
- Heavy Industrial
- Public/Quasi-Public
- Agriculture/Open-Space
- Mixed Uses

EXISTING ZONING DISTRICTS MAP

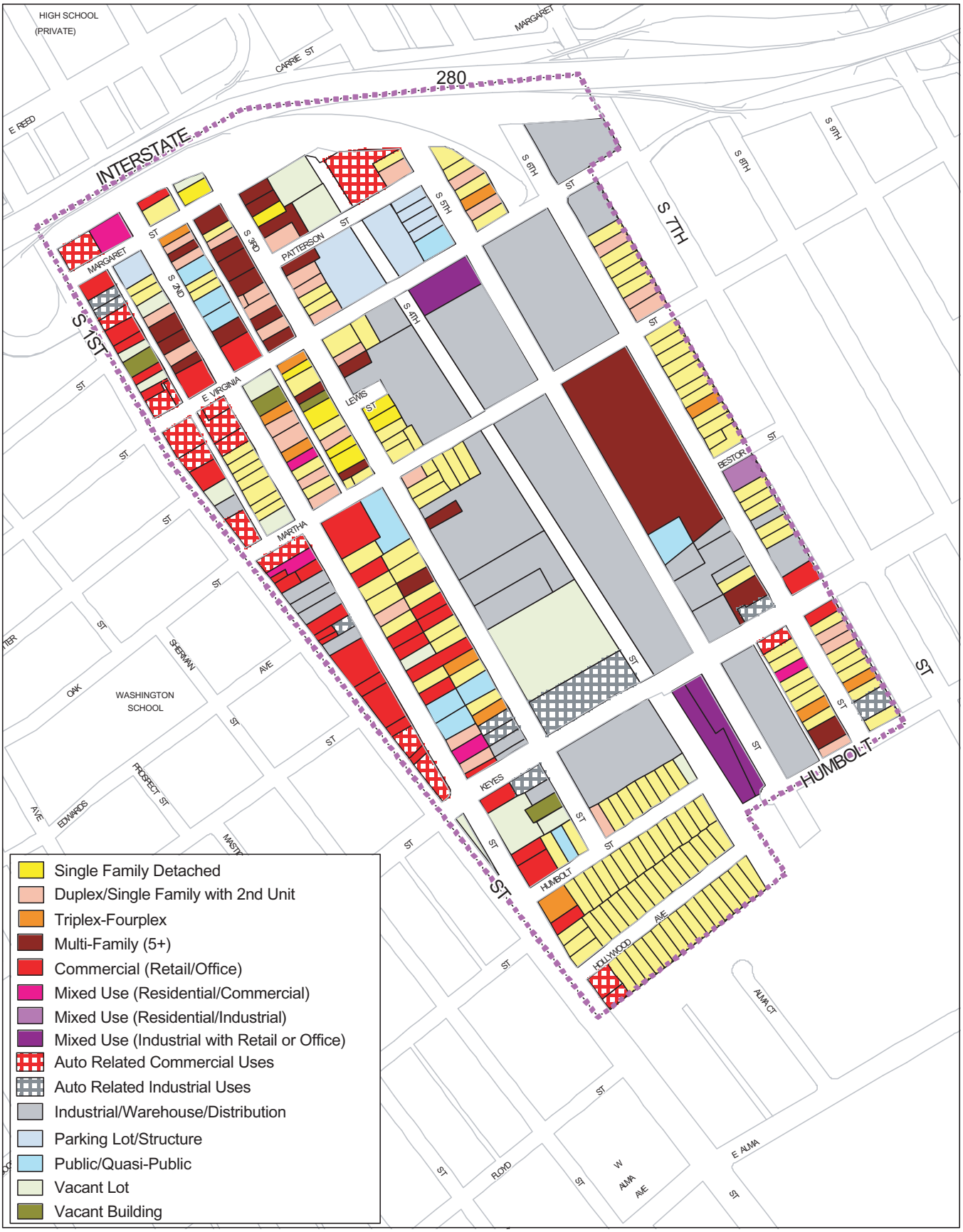
FIGURE 9

Existing Land Uses

The Martha Gardens Specific Plan area covers approximately 145 acres of land which, in turn, includes land uses typically found in an urban community. As shown on Figure 9, the central area consists of predominantly industrial or uses occupying warehouse type buildings. The area also includes a mix of residential and commercial uses, including various residential densities and a substantial number of auto-related businesses. Many of the multi-family residential buildings were originally constructed as single-family dwellings. The residential areas are well-maintained with most having front lawns and gardens. The streets within the mixed residential and commercial areas are not as well maintained and parking spaces are more limited than compared to the residential areas. Industrial trucks were observed within the central industrial area at loading docks. Table 7 lists the approximate acreage of each of the land use categories shown on Figure 10.

Table 7: Existing Land Uses

Land Use	Acres
Auto Related Commercial Uses	4.03
Auto Related Industrial Uses	2.58
Duplex	4.14
Fourplex	0.81
Light Industrial/Warehouse-Distribution	28.49
Mixed Use (Industrial with Retail/Office)	2.15
Mixed Use (Residential/Industrial)	0.29
Mixed Use (Residential/Retail/Office)	0.94
Mixed Use (Retail/Office)	0.28
Multi-Family (5+)	8.53
Office	0.44
Other (Railroad)	2.92
Parking Lot/Structure	2.70
Public Right-of-ways	49.64
Public/Quasi-Public	2.73
Retail	5.71
Single Family Detached	20.44
Single Family with Detached 2nd Unit	0.30
Triplex	0.79
Vacant Building	0.68
Vacant Lot	6.11
Total	**144.70**



EXISTING LAND USES

FIGURE 10

2. Environmental Checklist and Discussion

LAND USE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Physically divide an established community?	☐	☐	☐	☒	☐	1,2
2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	☐	1,2,3
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐	☐	1,2

Discussion: The proposed MGSP would not physically divide an established community.

The proposed General Plan amendment does not conflict with any habitat conservation plan or natural community conservation plan.

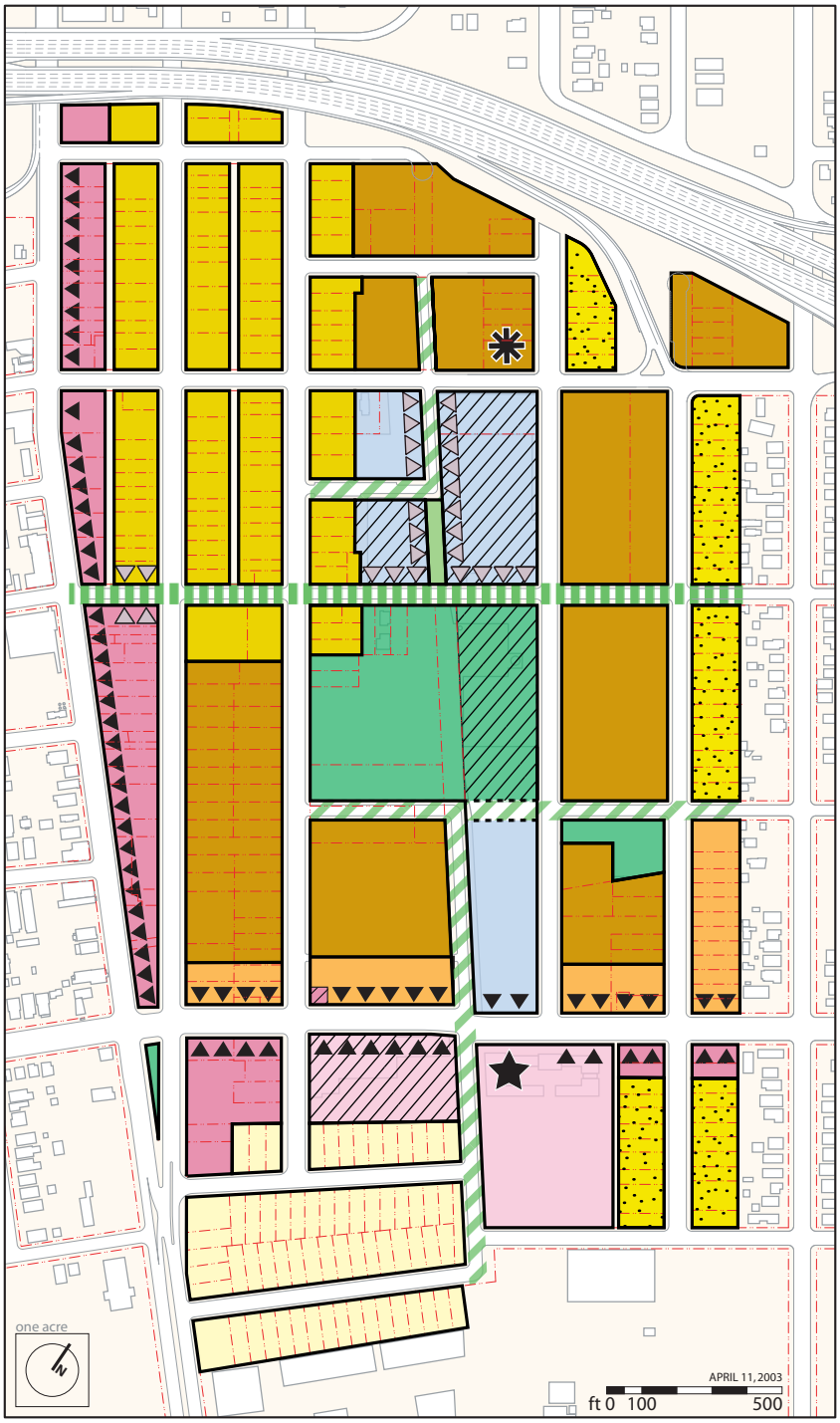
Land Use Conflicts

Land use conflicts can arise from two basic causes: 1) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere; or 2) conditions on or near the project site may have impacts on the persons or development introduced onto the site by the new project. Both of these circumstances are aspects of land use compatibility. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope. Depending on the nature of the impact and its severity, land use compatibility conflicts can range from minor irritations and nuisance to potentially significant effects on human health and safety.

The discussion below distinguishes between potential impacts *from* the proposed project (implementation of the Specific Plan) *upon* persons and the physical environment, and potential impacts *from* the project's surroundings *upon* the project itself.

Since this is a program level Initial Study, the "project" evaluated in the report does not propose or include any specific development. The analysis in this Initial Study evaluates the basic suitability of the proposed land use designation change at a policy level.

Figure 11 displays the proposed land use designations for the Martha Gardens Specific Plan.



Land Use

- Preservation/Single Family 8 du/ac
- Preservation/Single Family/Duplex
- Preservation/Victorian Mixed-Use 10-20 du/ac
- High Density Residential 20-50 du/ac (up t0 1.5 FAR)
- High Density Residential 40-70 du/ac (up to 2.5 FAR)
- Commercial/Mixed Use (up to 1.5 FAR)
- Commercial/Light Industrial (up to 0.5 FAR)
- Arts/Related Mixed Use (various densities)
- Public Park and Community Facilities
- Pedestrian Way
- Pedestrian Emphasis Public Street
- Pedestrian Corridor
- Adaptive Re-Use (various densities)
- Health Clinic
- Neighborhood-Serving Uses
- Neighborhood-Serving Uses
- Potential School Site

PROPOSED LAND USE DESIGNATION FIGURE 11

Impacts from the Project

Implementation of the proposed MGSP may result in new development being placed in proximity to existing development or land uses, and it may also result in new projects being built adjacent to each other. Under both circumstances the potential exists for creating land use conflicts with the implementation of the MGSP.

Potential sources of land use incompatibility could include noise from the adjacent freeway and airplanes, the presence of historic structures, the presence of hazardous materials associated with existing and past land uses, safety impacts associated with access and traffic, dust, litter, and nuisance problems such as trespassing or vandalism, odors, the proximity of existing and planned industrial and residential uses to each other, substantial spillover parking by both cars and trucks, traffic volumes, and limited undeveloped parcels for open space. Some of these impacts are addressed in other sections of this IS, as indicated below.

Noise is addressed *in Section IV.K.,* and historic structures are discussed in detail in Section *IV.E., Cultural Resources*. The implications of hazardous materials are discussed in *Section IV.G., Hazardous Materials*. *Section IV.C.* addresses Air Quality and *Section IV. O.* addresses Transportation.

Existing Industrial Uses

Placing residential and non-residential land uses in proximity to each other could create a potential for conflict between non-residential traffic, especially truck traffic, and pedestrians, especially children. In addition, access to residences may be restricted by heavy traffic, trucks, and/or parking for non-residential uses. As shown in Figure 8, the existing land uses in the central portion of the Martha Gardens area largely consist of industrial uses. While it is expected that land uses over time will transition to the proposed land uses, existing land uses may remain indefinitely. The adoption of the MGSP would limit future the expansion and enhancement of land uses to be consistent with the MGSP, but the timing of any change from existing uses is generally left to the discretion of property owners.

Since the timing of land use changes is unknown there is a potential for new residences to be built directly adjacent to existing industrial businesses. Introducing a residential population into an established industrial area may result in complaints about noise, dust, odors, use of hazardous materials, and other byproducts of industrial operations, which could lead to future limitations (such as limitations on hours or lighting or outdoor activities) being imposed on the nearby businesses, which creates a land use conflict. However, the MGSP has incorporated avoidance measures to reduce the potential for land use conflicts. Theses avoidance measures are discussed below.

In the Art Quarter sub-area there are existing problems associated with the distribution facilities and warehouses with on-street truck loading. This activity typically occurs within the street right-of-way and across the sidewalk restricting the flow of vehicular and pedestrian movement creating traffic and safety issues. The MGSP proposes to remove on-street loading wherever possible and relocate it to internal warehouse operations to avoid the obstruction of pedestrian and vehicular traffic. Another potential land use conflict discussed above is the existing industrial and distribution uses that may remain within the Martha Park sub-area and the potential impacts that could occur between these existing uses and the newly developing residential uses. To avoid such conflicts the MGSP would require new development that occurs adjacent to existing industrial or general commercial uses to

incorporate appropriate buffer treatments, including building setbacks, screen walls and roadways, that provide separate on-site access and circulation. In addition, new development would be designed to mitigate noise conditions in compliance with the City of *San José General Plan* noise compatibility goals.

Impact: Despite the incorporation of various avoidance measures as apart of the MGSP, there is still a potential for the proposed MGSP General Plan Amendment to result in future limitations on the existing industrial development that remains within the area.

Impacts to the Proposed Project

The project area is currently developed and is surrounded by urban uses. The existing uses in and near the area can and frequently do include substantial outdoor activities, heavy truck use, hazardous materials use and storage, generation of noise, dust, odors, litter, and similar potential sources of annoyance to residential properties. The project is proposing to change the land use designation from *Medium High Density Residential* on property located south of Keyes Street between Third Street and Fourth Street to *Combined Commercial/Light Industrial*. This may result in new or expanded industrial or commercial businesses developing adjacent to land that is currently designated *Medium Low Density Residential*, is proposed to be designated *Preservation/Single-Family 8du/ac* and presently contains single-family detached houses. The land use interface may result in new or increased conflicts between these land uses.

Impact: Implementation of the proposed MGSP may result in exposure of future residential uses to impacts from the surrounding industrial development and existing industrial uses may experience operational impacts as residential uses locate in adjacent sites.

Mitigation: Adherence to the following General Plan policies and programmed mitigation measures would reduce these impacts to a less than significant level.

- *Residential Land Use Policy 9* states when changes in residential densities are proposed, the City should consider such factors as neighborhood character and identity, compatibility of land uses and impacts on livability, impacts on services and facilities, including schools, to the extent permitted by law, accessibility to transit facilities, and impacts on traffic levels on both neighborhood streets and major thoroughfares.

- *Industrial Land Use Policy 1* states that industrial development should incorporate measures to minimize negative impacts on nearby land uses.

- *Noise Policy 1* states that the City's acceptable noise levels are 45 DNL as the interior noise quality level, and 76 DNL as the maximum exterior noise level necessary to avoid significant adverse health effects. These objectives are established for the City, recognizing that the attainment of exterior noise quality levels in the environs of the San José International Airport will probably not be achieved in the time frame of the General Plan. To achieve the noise objectives, the City should require appropriate site and building design, building construction, and noise attenuation techniques in new development.

- *Noise Policy 9* states that construction operations should use noise suppression devices and techniques.

- *Noise Policy 11* states when projects are located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses, non-residential land uses should mitigate noise generation to meet the 55 DNL guideline at the property line.

- *Noise Policy 12* states that noise studies should be required for land use proposals where known or suspected peak event noise sources occur which may impact adjacent existing or planned land uses.

- *Urban Design Policy 1* states that the City should continue to apply strong architectural and site design controls on all types of development to ensure the proper transition between areas with different types of land uses.

- *Urban Design Policy 22* states that design guidelines adopted by the City Council should be followed in the design of development projects.

- *Services and Facilities Transportation Policy 30* states through truck traffic should be encouraged to utilize State freeways, County expressways, and six-lane arterial streets. Trucks should be encouraged to use those routes which have the least adverse impact on residential areas.

- *Services and Facilities Transportation Policy 31* states industrial and commercial development should be planned so that truck access through residential area is avoided. Truck travel on neighborhood streets should be minimized.

- *Services and Facilities Transportation Policy 32* states freight loading and unloading for new or rehabilitated industrial and commercial developments should be designed to not occur on public streets.

Other Programmed Mitigation Measures

- The City of San José has adopted *Residential Design Guidelines* that are applicable to all attached residential development in San José. As stated in *Urban Design Policy 22*, adherence to these policies is encouraged by the General Plan. The following specific policies in the *Residential Design Guidelines* will reduce or avoid land use conflicts between new high density and very high density residential development and nearby land uses.

    - Chapter 5- Perimeter Setbacks: Residential structures of two stories or more are to be set back a minimum of 10 feet from incompatible uses. Residential structures of three stories or more are to be set back a minimum of 15 feet from incompatible uses. Balconies and decks are to be separated by a minimum of 20 feet from other balconies or decks.

- Chapter 14- Solar Access: New buildings should not be located in positions that will result in substantial shading of existing adjacent private open spaces that presently have substantial sun exposure enjoyed by the occupants.

- Additional mitigation measures for air quality, noise, and hazardous materials impacts which would further reduce land use impacts to a less than significant level are discussed in *Section II., C. Air Quality, E. Cultural Resources, G. Hazardous Materials, and K. Noise of this IS.*

- The City of San José's *Industrial Design Guidelines* which restrict building height, window orientation, setbacks, landscaping, walls and other buffering will be applied to the development of the proposed project under the *Combined Commercial/Industrial* designation, during project-level review.

Martha Gardens Specific Plan Design Policies

- ***Policy 3.8:*** **Infill development that maintains the scale and character of existing buildings is encouraged.** Much of the Arts Quarter sub-area contains industrial and warehouse structures that have architectural and historic value. Infill development on vacant and underutilized sites is encouraged in the sub-area, but such development should be built in scale and character with existing structures respecting the height, bulk and materials, of these buildings.

- ***Policy 3.9:*** **On-street loading should be phased out along public streets and sidewalks.** The Arts Quarter sub-area is currently impacted by truck loading for distribution facilities and warehouses. This activity, which typically occurs within the street right-of-way and across the sidewalk, restricts the flow of vehicular and pedestrian movement creating traffic and safety issues. On-street loading should be removed wherever possible and relocated internal to warehouse operations to avoid the obstruction of pedestrian and vehicular traffic. As set forth in the design guidelines, loading docks in historic buildings should be preserved and restored as part of the adaptive reuse program.

- ***Policy 4.3:*** **Appropriate setbacks and buffer treatments should be established between new residential development and industrial uses that choose to remain within the area.** The Plan recognizes that existing industrial and distribution uses may remain within the Martha Park sub-area, and that potential land use conflicts could occur between these uses and newly developing residential uses. To avoid such conflicts, the Plan calls for new development that occurs adjacent to existing industrial or general commercial uses to incorporate appropriate buffer treatments, including building setbacks, screen walls and roadways, that provide separate on-site access and circulation. In addition, new development should be designed to mitigate noise conditions in compliance with the City of San José General Plan noise compatibility goals.

- ***Policy 5.3:*** **The adaptive reuse of the Herbert Packing warehouse for neighborhood-oriented uses.** As part of the creation of a neighborhood-serving retail corridor along Keyes Street, the specific plan encourages the adaptive reuse of the historic Herbert Packing warehouse, located at the corner of Keyes and Third Streets, for neighborhood serving uses. For instance, the reuse of this building could include a local serving grocery market with parking accommodated at the rear of the building.

- ***Policy 5.4:*** **New development should be complementary in scale and character to adjacent single-family homes in the Spartan Keyes neighborhood.** New development in the Keyes/Hollywood sub-area should make a positive contribution to the character and scale of the neighborhood, and offer an appropriate scale transition from the single-family homes of the adjacent Hollywood and Spartan Keyes neighborhood. Large, monolithic buildings should be avoided, with building elevations broken down through creative use of horizontal and vertical expression. Changes in elevation profile and height, the use of balconies, bay windows, loggias, and clearly expressed windows and entryways should be combined to promote interest and scale in building elevations. Where multi-family residential development is located across street frontages from existing single-family homes, special treatments should be established to establish an appropriate scale relationship.

- ***Policy 5.7:*** **Local vehicular and pedestrian access should be improved, while reducing through traffic in the neighborhood.** The street configuration in the Keyes/Hollywood area should be modified to alleviate problems of cut-through traffic on residential streets, and to improve local vehicular and pedestrian linkages to the remainder of the East Gardner area and to the adjacent Spartan Keyes neighborhood. As set forth in the Circulation Element, the conversion of the one-way street system and the introduction of well-designed traffic calming devices should be incorporated to address these issues.

3. Conclusion

Implementation of the identified General Plan Policies, the Programmed Mitigation Measures, and Specific Plan policies would reduce land use impacts to a less than significant level. (**Less than Significant Impact with Mitigation)**

Mitigation Measures to be Considered
At the Time of Future Development

- *Construction Impact Mitigation Measures.* The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical conditions to minimize noise created by faulty or poorly maintained engine, drive-train and other components. The project developer shall ensure that the following construction impact mitigation measures are implemented throughout the duration of all construction activities associated with this project and related off-site construction work. Failure to comply with these conditions by the applicant, their

contractors or subcontractors shall be cause for shutdown of the project site until compliance with the following conditions can be ensured by the City.

- *Construction Hours.* Construction activities shall be limited to the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday for any on-site or off-site construction activities located within 500 feet of any residential unit.

- *Construction Deliveries.* Deliveries shall not occur outside the above construction hours. All deliveries shall be coordinated to ensure that no delivery vehicles arrive prior to the opening of the gates to prevent the disruption of nearby residents.

- *Fencing.* The site shall be wholly enclosed by security fencing. The gates to the project site shall remain locked during all other times, except for a fifteen-minute period immediately preceding and following the above hours of construction.

- *Construction Employees.* Workers shall not arrive to the site until the opening of the project gates. The project developer shall designate a location without adjacent residential units for workers to wait prior to the opening of the project gates.

- *Plans.* The construction hours shall be printed on all plans for the project used to construct the project.

- *Mitigation Measure Disclosure.* These construction impact mitigation measures shall be included in all contract documents for the project to ensure full disclosure to contractors and subcontractors. In addition, the project developer is responsible to ensure the following occur prior to the issuance of a Building Permit for the project:

  - *Disturbance Coordinator.* A disturbance coordinator shall be identified by the developer for this project. The disturbance coordinator shall be responsible for ensuring compliance with the hours of construction, site housekeeping, and other nuisance conditions in this permit.
  - *Daily Log.* The disturbance coordinator shall maintain a log of daily activities on the project, including but not limited to, verification of site closure activities, project cleanliness, complaints on site activities and conditions and dates and times of the coordinators visits to the project if the coordinator is not solely responsible for this project site.
  - *Telephone Contact.* A phone with answering machine for non-work hours shall be maintained during the duration of project construction. The phone number should be a local call for surrounding residents.
  - *Signage.* The name and phone number of the disturbance coordinator, the hours of construction limitations, City File Number PD 03-032, city contact and phone number (department and phone number), and shall be displayed on a weatherproof sign posted at each entrance to the project site.
  - *Neighborhood Notification.* Prior to the commencement of grading or construction, the applicant shall provide written notice to all residents of properties within 1,000 feet of the project site of the anticipated construction schedule and the permitted construction hours. This notice shall also include the name of the Construction Coordinator and a telephone contact number as required by Condition No. 10.i. of this Permit. The project developer shall provide additional written notification to residents of property within 1,000 feet of the project site to identify any significant

changes in the construction schedule or any changes to the Disturbance Coordinator or telephone contact number.

- *Dust Control/Air Quality.* The project shall incorporate City of San José practices to mitigate dust during all phases of construction. These practices meet or exceed the Bay Area Air Quality Management District's (BAAQMD) feasible construction dust control measures to reduce construction impacts to a level that is less-than-significant. The following construction practices will be implemented during all phases of construction on the project site:

  - Use dust-proof chutes for loading construction debris onto trucks.

  - Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.

  - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.

  - Sweep daily or as often as necessary to keep the adjoining streets, paved access roads, parking areas and staging areas at construction site free of dust and debris.

  - Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).

  - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

  - Replant vegetation in disturbed areas as quickly as possible

- *Street Cleaning and Dust Control.* During construction, the developer shall damp sweep the public and private streets within and adjoining the project site each working day sufficient to remove all visible debris and soil. On-site areas visible to the public from the public right-of-way shall be cleaned of debris, rubbish, and trash at least once a week. While the project is under construction, the developer shall implement effective dust control measures to prevent dust and other airborne matter from leaving the site.

J. MINERAL RESOURCES

1. Setting

The project site is located within a developed urban area. It does not contain any known or designated mineral resources.

2. Environmental Checklist and Discussion

MINERAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒	☐	1
2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	☐	1

3. Conclusion

The project would not result in a significant impact from the loss of availability of a known mineral resource. **(No Impact)**

K. NOISE

The following discussion is based upon a Noise Study prepared by *Illingworth & Rodkin, Inc.* in May 2003. This report is available for viewing in the City of San José Planning, Building, and Code Enforcement Department during normal business hours.

1. Setting

Applicable Noise Standards and Policies

The City of San José's General Plan contains policies and goals which pertain to desired noise levels for various land uses located within the City. These policies and goals are expressed in terms of the DNL.[6] The General Plan cites long-term and short-term exterior DNL goals for residential uses of 55 dBA[7] and 60 dBA, respectively. Outdoor uses on sites where the DNL is above 60 dBA are to be limited to acoustically protected areas.

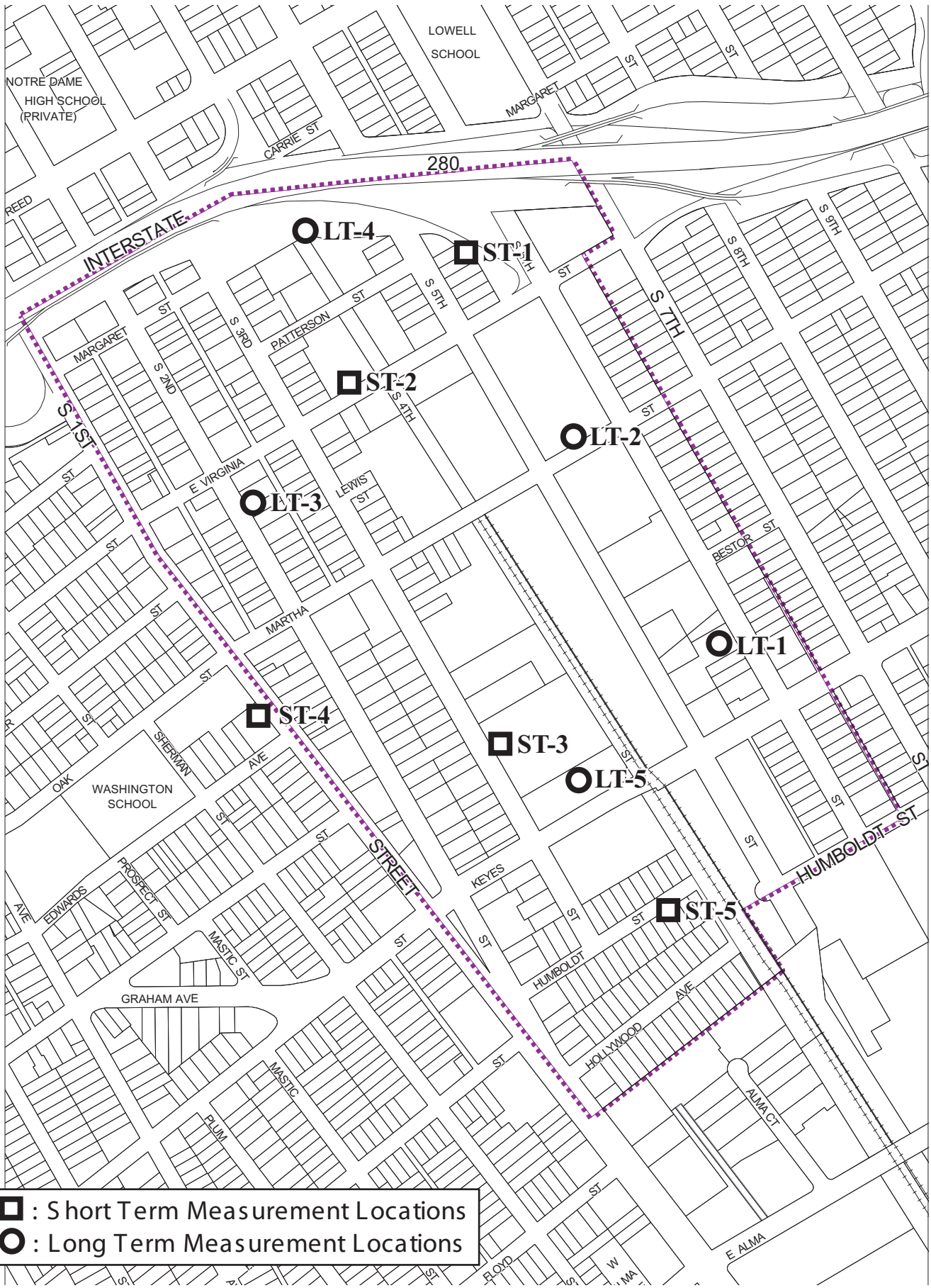
The General Plan also distinguishes between noise from transportation sources and noise from non-transportation (i.e., stationary) sources. The short-term exterior noise goal is 60 dBA DNL for transportation sources. For stationary sources, the exterior noise goal is 55 dBA DNL at the property line between sensitive land uses (e.g., residences, schools, libraries, hospitals, etc.) and non-sensitive land uses (e.g., industrial, commercial, etc.).

Existing Setting

The noise environment in the study area is dominated by traffic noise from Interstate 280 and the local street system and by jet aircraft over flights associated with activity at San José International Airport. The noise exposure contours adopted by the Santa Clara Airport Land Use Commission show that the site is exposed to a CNEL[8] of 60 to 65 dB due to aircraft over flights.

In order to quantify the local noise environment a noise monitoring survey was conducted. The survey measured the existing noise environment throughout the MGSP area and noise levels at potential receptors. Noise levels were monitored continuously at five locations (LT-1-5) and in short-term intervals at five locations throughout the MGSP area (ST-1-5). The locations of the long- and short-term measurements are shown in Figure 12. Table 8 shows the DNL at each of the long-term noise measurement locations, the midday L_{eqs}[9] at the short-term locations, and the estimated DNL at these locations. These DNL estimates for the short-term measurement locations were based on an evaluation of the hourly variation of the noise levels at the long-term measurement locations and a comparison of the difference between the hourly average noise level at the short-term location and the average noise level during the same hour at the nearest long-term noise level. The highest noise levels exist at the north end of the project area, adjacent to Interstate 280.

[6] **DNL** stands for Day-Night Level and is a 24-hour average of noise levels, with 10 dB penalties applied to noise occurring between 10:00 PM and 7:00 AM.
[7] A decibel (dB) is a unit describing the amplitude of sound. Human hearing decreases at extremely low and high frequencies, which is taken into account by the "A-weighted" decibel scale, expressed as "dBA".
[8] **CNEL** stands for Community Noise Equivalent Level; it is similar to the DNL except that there is an additional five (5) dB penalty applied to noise which occurs between 7:00 PM and 10:00 PM. As a general rule of thumb where traffic noise predominates, the CNEL and DNL are typically within two (2) dBA of the peak-hour Leq.
[9] **Leq** stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time such as the noisiest hour.



NOISE MEASUREMENTS

FIGURE 12

Table 8: Noise Measurement Locations and DNL's		
Long-Term Monitor Locations		**DNL**
LT-1: On 6th St, 20 ft to centerline between Bestor St and Keyes St		67 dB
LT-2: On Martha St, 20 ft to centerline between 5th St and 6th St		69 db
LT-3: On 2nd St, 20 ft to centerline between Martha St and Virginia St		69 dB
LT-4: At the end of Margaret St, 55 ft from freeway edge		77 dB
LT-5: On Keyes St, 66 ft from centerline between 3rd St and Rose Pl		70 dB
Short-Term Monitor Locations	**Midday Leq**	**DNL**
ST-1: At 7th St off-ramp	73 dB	77 dB
ST-2: On Virginia St between 5th St and 3rd St	62 dB	65 dB
ST-3: On 3rd St between Keyes St and Martha St	67 dB	67 dB
ST-4: On 1st St next to the Wienerschnitzel	69 dB	70 dB
ST-5: On Humboldt St	56 dB	55 dB

The DNL at the long-term Site 4 at the end of Margaret Street, 55 feet from the edge of the freeway was 77 dB, and the estimated DNL along the Seventh Street off-ramp at a distance of 69 feet from the centerline of the off-ramp was estimated to be 74 dB. The DNL at the typical setback along Second Street, Sixth Street, Martha Street, First Street, and Third Street all range from 67 to 69 dB. The DNL on Keyes Street reaches 72 dB at a typical building setback. The DNL on Virginia Street reached 65 dB while in the quietest area along Humboldt Street, the DNL is 56 dB.

2. Environmental Checklist and Discussion

NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project result in:						
1) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐	☐	1,2,14
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	☐	1,2,14
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1,2,14
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐	☐	1,2,14

NOISE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project result in:						
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1
6) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1

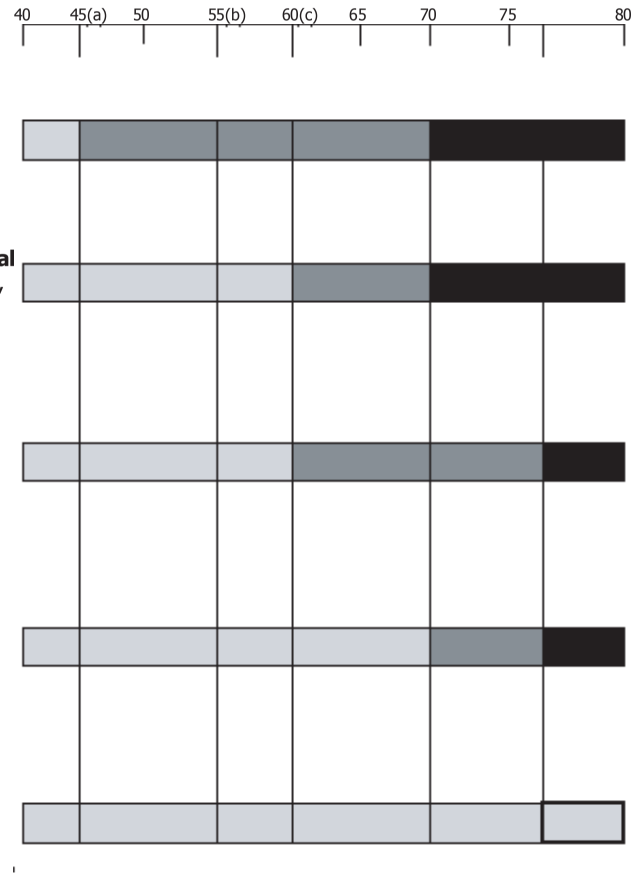
Discussion:

Future Noise Environment

After the implementation of the MGSP, which is estimated to occur sometime between 2003 and 2020, traffic volumes are expected to increase throughout the MGSP Area. The greatest increase in noise levels would occur along Martha Street where noise levels would increase by about three dBA and on Sixth Street where noise levels would increase by about two dBA. Noise levels on the other streets in the area would increase by one to two dBA. This will result in a DNL at a typical building setback of up to 72 dBA along Martha Street, an DNL of up to 73 dBA along Keyes Street, and a DNL of about 70 dB along the other major streets in the areas (Second Street, Fifth Street, Sixth Street and Seventh Street).

The Noise Element of the City of San José's 2020 General Plan contains the City's goals and policies for providing an acceptable noise environment in the City of San José. Figure 13 shows the compatibility of various land use categories with varying noise levels. The intent of the General Plan is to ultimately achieve these levels; however, the downtown core area, the areas around San José International Airport, and areas adjacent to major roadways have been identified as special noise impact areas. Because of the nature of these special areas, it may be impossible to obtain the desired outdoor noise level of 55 DNL or even 60 DNL in the near term in balconies that face major roadways, some rear yard areas, and urban parks. In addition to the noise and land use compatibility guidelines, the Noise Element contains goals and policies that are applicable to this project.

Land Use Compatibility Guidelines for Community Noise in San Jose

San Jose Land Use Categories	DNL Value in Decibels	Compatibility Levels
Public & Quasi-Public Schools(d), Hospitals, Libraries, Auditoriums		Satisfactory When new development requires a full EIR, an acoustical analysis should be made indicating amount of attenuation necessary to maintain an indoor level of DNL<=45. Onsite outdoor activity limited to acoustically protected areas. Existing uses should receive remedial. New development permitted only if uses are entirely indoors and building design limits interior levels to <=45 DNL. Outside activity areas should be permitted if site planning and noise barriers can achieve levels of 60DNL or less. Existing uses have top priority for remedial treatment. DNL>= 76 levels considered hazardous to health as determined by EPA.
Public, Quasi-Public, & Residential Parks, Playgrounds, Public Buildings, Single Family, Multi-Family, Mobile Home Park		
Commercial Shopping Center, Self-Generative Business, Offices, Banks, Clinics, Hotels, Motels		
Industrial Non-Manufacturing Industry, Transportation, Communications, Utilities, Manufacturing		
Agriculture & Vacant Urban Extractive, Open Land, Orchards, Crops, Water Supply, Brush Lands, Vacant		

(a) Interior Noise Quality Level
(b) Long-Range Exterior Noise Quality Level
(c) Short-Range Exterior Noise Quality Level
(d) Leq value of Leq(30) = is used for the evaluation of school impact by the airport

LAND USE COMPATIBILITY GUIDELINES FOR COMMUNITY NOISE FIGURE 13

The proposed MGSP provide for new infill residential development, commercial and mixed uses, allows for preservation of existing and development of new light industrial uses, and identifies both a potential school site and a new park. Based on the noise survey, with exception of residential development proposed along I-280 where the DNL reaches 77 dB, the vast majority of the street frontage in the MGSP area would be exposed in the future to a DNL of 70 to 75 dB. According to the land use compatibility guidelines for community noise in San José, residential development would be permitted only if the uses are entirely indoors and the building design limits interior noise levels to a DNL of 45 dB or less. Outside activity areas could be permitted if site planning and noise barriers can achieve levels of 60 DNL or less. Commercial and industrial development would be permitted as long as an acoustical analysis can show that indoor noise levels can be maintained at a DNL of 45 dB or less and 55 DNL at the property line of a residential land use. Onsite outdoor activity associated with these commercial uses could also be limited to acoustically protected areas.

Although it is not known where the school would be exactly, it is likely that outdoor activity uses could be sited away from the streets behind buildings and fences so that and the outdoor noise levels are kept below a DNL of 60 dB. Because noise levels are high in the MGSP area, noise would be considered a potentially significant impact throughout the plan area.

Impact: The project could expose people to noise levels in excess of the guidelines established in the Noise Element of the City of San José's General Plan. Both the General Plan and the design guidelines in the MGSP identify the need to mitigate noise impacts and a variety of methods for doing so.

Mitigation: The project would be required to adhere to General Plan policies and programmed mitigation measures that would reduce these potential impacts to a less than significant level. All future development within the MGSP area would be subject to existing General Plan policies, including the following:

- *Noise Policy 1* states that the City's acceptable noise levels are 45 DNL as the interior noise quality level, 55 DNL as the long range exterior objective, and 60 DNL as the short range exterior noise level objective. To achieve the noise objectives, the City should require appropriate site and building design, building construction, and noise attenuation techniques in new development.

- *Noise Policy 11* states that when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses, non-residential land uses should mitigate noise generation to meet the 55 DNL guideline at the property line.

- *Noise Policy 12* states that noise studies should be required for individual land use development proposals where known or suspected peak event noise sources occur which may impact adjacent existing or planned land uses.

- *Urban Design Policy 18* states that to the extent feasible, sound attenuation for development along City streets should be accomplished through the use of landscaping, setback and building design rather than the use of sound attenuation walls.

- For example: by utilizing site planning to minimize noise impacts to outdoor activity areas, consider locating non-noise sensitive uses, such as parking (e.g., carports), adjacent to roadways and rail lines, and using the residential buildings to provide shielding for common outdoor use areas. Where noise sensitive uses are planned immediately adjacent to noise sources, building insulation methods should be incorporated into the project.

- *Services and Facilities Transportation Policy 30* states through truck traffic should be encouraged to utilize State freeways, County expressways, six-lane arterial streets. Trucks should be encouraged to use those routes which have the least adverse impact on residential areas.

- *Services and Facilities Transportation Policy 31* states industrial and commercial development should be planned so that truck access through residential area is avoided. Truck travel on neighborhood streets should be minimized.

- *Services and Facilities Transportation Policy 32* states freight loading and unloading for new or rehabilitated industrial and commercial developments should be designed to not occur on public streets.

- *General Plan polices* states that outside activity areas should be permitted if site planning and noise barriers result in levels of 60 DNL or less.

State Law

All new residential development will be subject to existing laws, including the following:

- Title 24: Multi-family housing proposed on any site is subject to the requirements of Title 24, Part 2, of the State Building Code. Since noise levels exceed 60 dB DNL on the site, an analysis detailing the treatments incorporated into the building plans will need to be prepared and submitted to the City Building Department prior to issuance of a building permit. A noise control detail and the accompanying report will need to demonstrate that the design would achieve an interior DNL of 45 dBA or less in all habitable residential areas.

Vibration

The MGSP does not envision any activities that would generate significant unusual amounts of ground borne vibration or ground-borne noise and no significant impacts are expected. The project would not expose persons to or generate excessive ground-borne vibration or ground-borne noise levels.

Adjacent Noise Levels

Noise levels outside the project area are not projected to increase by more than one to two dBA as a result of the project. This is a barely detectable increase and is not a significant

impact. The project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

Construction Noise

During construction of the various projects that are likely to be developed within the MGSP area, there may be occasions where noise levels are temporarily elevated at adjacent existing or future noise sensitive receptors. Each of these projects would have to be evaluated to determine any unique or localized noise impacts.

Impact: The project could result in substantial temporary or periodic increase in ambient noise levels during construction.

Mitigation: The following General Plan policy would reduce construction impacts to a less than significant impact.

- *Noise Policy 9* states that construction operations should use available noise suppression devices and techniques.

3. Conclusion

With the implementation of the mitigation measures above, the proposed project would not result in significant noise impacts. **(Less than Significant Impact with Mitigation)**

Mitigation Measures to be Considered
At the Time of Future Development

Since no specific development is proposed at this time, it is not possible to identify which specific mitigation measures are most appropriate. Implementation of a construction noise management program for major construction projects, that includes the following measures in conformance with General Plan policies, would avoid or reduce construction noise impacts.

- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.

- Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.

- Prohibit unnecessary idling of internal combustion engines.

- Designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site.

- *Construction Impact Mitigation Measures.* The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical conditions to minimize noise created by faulty

or poorly maintained engine, drive-train and other components. The project developer shall ensure that the following construction impact mitigation measures are implemented throughout the duration of all construction activities associated with this project and related off-site construction work. Failure to comply with these conditions by the applicant, their contractors or subcontractors shall be cause for shutdown of the project site until compliance with the following conditions can be ensured by the City.

- *Construction Hours.* Construction activities shall be limited to the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday for any on-site or off-site construction activities located within 500 feet of any residential unit.

- *Construction Deliveries.* Deliveries shall not occur outside the above construction hours. All deliveries shall be coordinated to ensure that no delivery vehicles arrive prior to the opening of the gates to prevent the disruption of nearby residents.

- *Fencing.* The site shall be wholly enclosed by security fencing. The gates to the project site shall remain locked during all other times, except for a fifteen-minute period immediately preceding and following the above hours of construction.

- *Construction Employees.* Workers shall not arrive to the site until the opening of the project gates. The project developer shall designate a location without adjacent residential units for workers to wait prior to the opening of the project gates.

- *Plans.* The construction hours shall be printed on all plans for the project used to construct the project.

- *Mitigation Measure Disclosure.* These construction impact mitigation measures shall be included in all contract documents for the project to ensure full disclosure to contractors and subcontractors. In addition, the project developer is responsible to ensure the following occur prior to the issuance of a Building Permit for the project:

  - *Disturbance Coordinator.* A disturbance coordinator shall be identified by the developer for this project. The disturbance coordinator shall be responsible for ensuring compliance with the hours of construction, site housekeeping, and other nuisance conditions in this permit.
  - *Daily Log.* The disturbance coordinator shall maintain a log of daily activities on the project, including but not limited to, verification of site closure activities, project cleanliness, complaints on site activities and conditions and dates and times of the coordinators visits to the project if the coordinator is not solely responsible for this project site.
  - *Telephone Contact.* A phone with answering machine for non-work hours shall be maintained during the duration of project construction. The phone number should be a local call for surrounding residents.
  - *Signage.* The name and phone number of the disturbance coordinator, the hours of construction limitations, city contact and phone number (department and phone number), and shall be displayed on a weatherproof sign posted at each entrance to the project site.
  - *Neighborhood Notification.* Prior to the commencement of grading or construction, the applicant shall provide written notice to all residents of properties within 1,000 feet of the project site of the anticipated construction schedule and the permitted construction hours. This notice shall also include the name of the Construction

Coordinator and a telephone contact number. The project developer shall provide additional written notification to residents of property within 1,000 feet of the project site to identify any significant changes in the construction schedule or any changes to the Disturbance Coordinator or telephone contact number.

- A condition shall be added to the conditions of approval for new development projects in the MGSP area which requires developers direct all construction trucks to uses major arterials streets and not use residential neighborhood streets.

L. POPULATION AND HOUSING

1. Setting

According to the Association of Bay Area Governments' (ABAG) *Projections 2002*, within the City of San José's Sphere of Influence, the population for 2000 was 941,998 with 291,370 households. For 2025, the projected population is 1,149,300 with 360,710 households. The average number of persons per household in San José in 2000 was 3.19, an average which is projected to decrease slightly to 3.15 by the year 2025.

The existing land use designations allow a range of densities. Under the current General Plan the MGSP area approximately 2,628 dwelling units would be projected to develop.

2. Environmental Checklist and Discussion

POPULATION AND HOUSING						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐	☐	1,2,3
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1,2,3
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1,2,3

Discussion: The proposed project would not induce substantial population growth within the Martha Gardens area. The realistic or most likely development scenario is projected to be a medium development intensity, which would include approximately 1,905 dwelling units[10]. As shown in Table 9, the MGSP is likely to result in approximately 723 fewer dwelling units than the current the General Plan designations.

[10] This includes the existing dwelling units that are retained.

Table 9: Comparison of Projected Development under the Existing General Plan and the Proposed Land Use Designations					
Existing General Plan			**Proposed Land Use Designations**		
Land Use Designations	**Acres**	**No. of DU**	**Land Use Designations**	**Acres**	**No. of DU**
Medium Low Density Residential (8 du/ac)	7.7	52	Preservation/Single Family 8 du/ac	8.9	60
Medium Density Residential (8-16 du/ac)	20	216	Preservation/Single Family/Duplex 8-16 du/ac	7	76
Medium High Density Residential (12-25 du/ac)	4.6	83	Preservation/Victorian Mixed Use 10-20 du/ac	15.2	192
Residential Support for the Core (25+ du/ac)	41.4	2,277	High Density Residential 20-50 du/ac (Up to 1.5 FAR)	4.7	174
General Commercial	18.2		High Density Residential 40-70 du/ac (Up to 2.5 FAR)	24.6	1,353
Light Industrial	3.1		Commercial/Mixed Use (Up to 1.5 FAR)	9.4	25
Public Right of Ways (Streets/Alleys/Freeways)	49.7		Commercial/Light Industrial (Up to 0.5 FAR)	6.9	
			Arts/Related Mixed Use	8	25
			Public Park/Community Facilities	8.3	
			Public Right of Ways (Streets/Alleys/Freeways)	51.7	
TOTALS	**144.7**	**2,628**		**144.7**	**1,905**

3. Conclusion

The redevelopment of the proposed project within the City would not create substantial new population growth and would not adversely affect City's planned jobs/housing imbalance. **(Less than Significant Impact)**

M. PUBLIC SERVICES

1. Setting

Fire Service

Fire protection to the project area is provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the project area. It is the SJFD's goal to not exceed four minutes for the "first response" and six minutes for the "second response" times.

The fire station located within the MGSP, is Station No. 3, located at the southeast corner of Martha Street and Second Street. Station No. 3 is equipped with an engine company and has a crew of four firefighters, and a truck company with a crew of five firefighters.[11] In 2001 this station responded to 2,708 calls including 2,115 medical, 189 fires, and 404 other emergencies.

Police Service

Police protection services are provided to the project area by the City of San José Police Department (SJPD). Officers patrolling the project area are dispatched from police headquarters, located at 201 West Mission Street. The SJPD presently consists of approximately 1,411 sworn officers and 402 civilian personnel.

The SJPD consists of 83 beats. Each beat is assigned to one of 16 Districts. The beats are identified with a number and the Districts are identified with a letter. The project area is located in District L, Beat 1 of the SJPD's service area. In 2002, District L had 7,974 crimes. The most frequent crimes in the area included traffic accidents-non injury (749), narcotics (454), and simple assault (261).

Schools

The project site is located within the San José Unified School District and the San José-Evergreen Community College District. Children from the MGSP area currently attend Lowell and Washington Elementary Schools located in the South University and Washington neighborhoods, respectively. Currently there is very poor access to elementary schools for children from the MGSP area. Children from the area who attend Lowell Elementary School have to walk on relatively busy streets under Interstate 280 and children who attend Washington Elementary School have to cross South First Street, a busy arterial.

Parks

The project area is located in Council District 3, which has thirteen neighborhood parks, and one regional park. The nearest park is Kelly Park, a regional park located approximately 0.7 miles from the project boundary. The nearest community center is Gardner Community Center located 1.2 miles from the project boundary. The Martha Gardens area is currently under served by parks and open space. There are no existing parks within the Spartan Keyes or Martha Gardens areas nor are there any schools which often have play fields and facilities that are accessible to the public.

[11] Walter Fujczak, San José Fire Department, March 7, 2003.

2. Environmental Checklist and Discussion

PUBLIC SERVICES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:						
Fire Protection?	☐	☐	☒	☐	☐	1,4
Police Protection?	☐	☐	☒	☐	☐	1,4
Schools?	☐	☐	☒	☐	☐	1,4
Parks?	☐	☐	☒	☐	☐	1,4
Other Public Facilities?	☐	☐	☒	☐	☐	1,4

Discussion:

Police and Fire Services

Specific future design plans would be reviewed by the City Fire and Police Departments for incorporation of design measures to increase fire safety and reduce potential criminal activities. All new construction would conform to current building and fire codes.

Schools

The MGSP is proposing to plan for a new school for the area. The City does not have any control on where new schools are located. The MGSP recommends that the San José Unified School District explore the possibility of developing a new elementary school in or adjacent to the Martha Gardens Specific Plan area. While the projected student generation of the Martha Gardens area could not alone justify or support a new elementary school, projected higher density residential developments in the surrounding neighborhoods, including Spartan Keyes and Downtown neighborhoods, could result in a need for a new elementary school to preclude overcrowding in the existing schools. The new school is represented on the Proposed Land Use Plan (Figure 6) as a "floating" star to indicate that its location is not tided to any one site. While the star is placed on a particular site, it is because that site possesses some important advantages as a school site. Any future specific proposal for the school would be subject to subsequent environmental review would be required to address potential impacts resulting from development of this facility in accordance with CEQA, the CEQA Guidelines.

Parks and Open Space

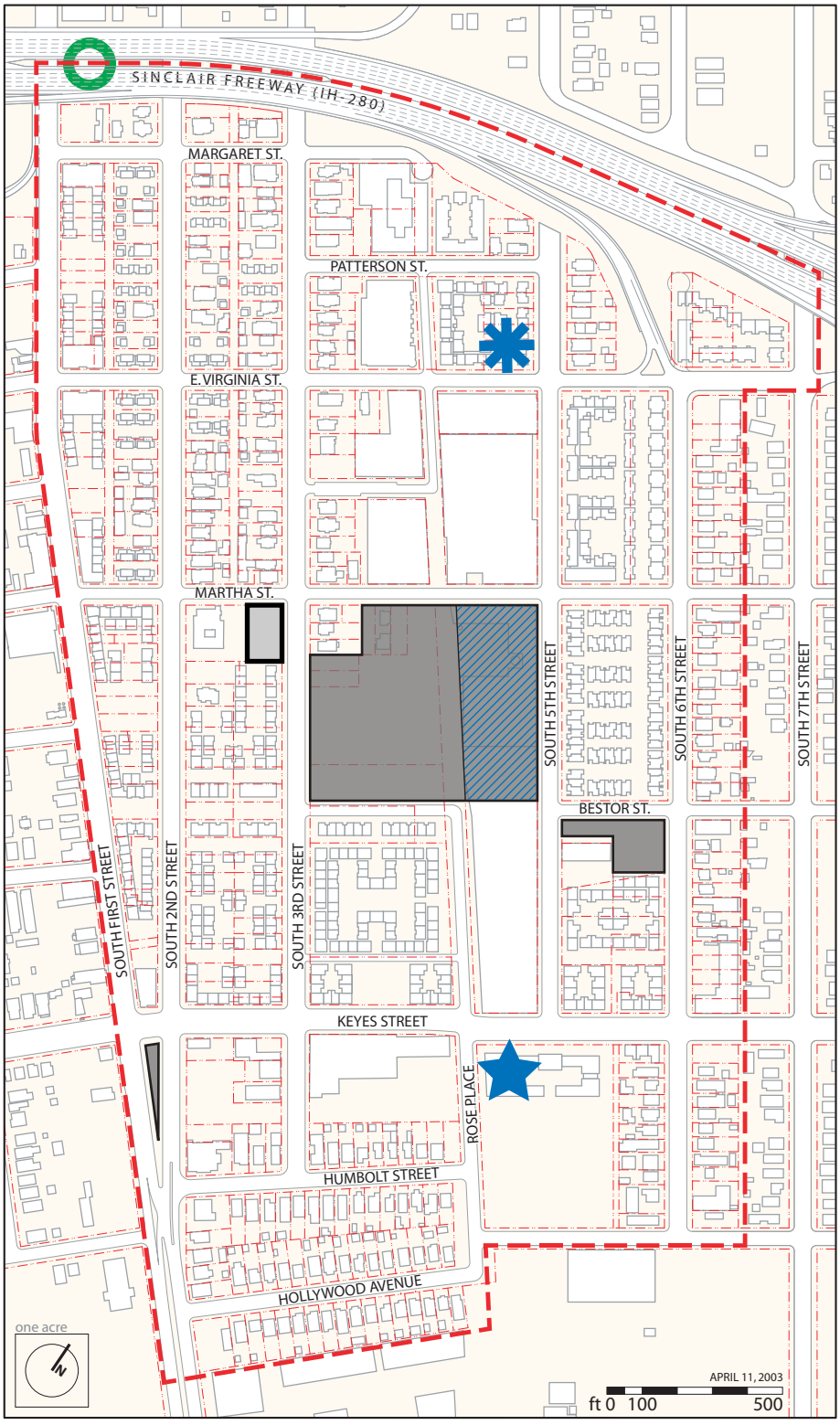
The MGSP is proposing at nine acres of public parks and community facilities. Three parks are designated within the project area. The largest park is referred to a Martha Park and will be located on the block bounded by Martha Street, South Third Street, South Fifth Street, and what is shown in Figure 14 as the future extension of Bestor Street. Martha Park is planned to be approximately 7.5 acres including 4.8 acres of green open space. The second park called Bestor Street Park, is planned to be approximately 0.75 acres is size and would be located on the south side of Bestor Street between Fifth Street and Sixth Street. The third park is planned to be a skateboard park located on the underutilized land underneath Interstate 280 between First Street and Second Street or between Second Street and Third Street. This park/recreational facility would serve the Martha Gardens and Spartan Keyes neighborhoods but would also serve the greater Central San José region. The skateboard facility is planned to be approximately 0.75 acres. This skatepark is also recommended in the City Council approved South First Area (SoFA) Strategic Development Plan.

A community center is planned to be located within the American Can Company Building on the Martha Park site (refer to Figure 14). It is proposed that in readapting the historic structure into a community center facility every effort should be made to retain the architectural and historic integrity of the building in the exterior and the interior of the structure. The community center is intended to serve not only the residents of the Martha Gardens plan area but also residents from surrounding communities, including the Spartan Keyes, Washington, and University neighborhoods.

Specific plans for development of the community center have not yet been identified. Therefore it is unknown, what modifications would occur to the structure, what activities would take place there, how much parking would be required or provided, and how much lighting or noise would be generated. As a result, subsequent environmental review would be required to address potential impacts resulting from development of this facility in accordance with CEQA, the CEQA Guidelines.

3. Conclusion

The project will incrementally increase demand for fire and police services at the project site. Additional environmental review would be required to determine the potential impacts associated with the proposed government facilities. **(Less than Significant Impact)**



Public Parks

Community Center

Existing Fire Station

Health Clinic

Potential School Site

Skate Park

PARKS AND COMMUNITY FACILITIES

FIGURE 14

N. RECREATION

1. Setting

The City of San José provides parklands, open space, and community facilities for public recreation and community services. Park and recreation facilities vary in size, use, type of service, and provide for regional and neighborhood uses. The project area is located in District 3. The nearest park is Kelly Park, a regional park located approximately 0.7 miles from the project boundary. The nearest community center is Gardner Community Center located 1.2 miles from the project boundary. There are no park facilities within the Martha Gardens Specific Plan area.

2. Environmental Checklist and Discussion

RECREATION						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐	☐	1,4
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☒	☐	☐	☐	1,4

Discussion: The City of San José General Plan benchmarks for parks and recreational facilities are 3.5 acres of parkland per 1,000 population, 7.5 acres of regional park land per 1,000, and 500 square feet of community center floor are per 1,000 population.

The MGSP is proposing at nine acres of public parks and community facilities. Three park sites are designated within the project area. The largest park site is referred to Martha Park in the MGSP and will be located on the block bounded by Martha Street, Third Street, Fifth Street, and the future extension of Bestor Street. Martha Park is planned to be approximately 7.5 acres including 4.8 acres of green open space. The second park site, called Bestor Street Park, is planned to be approximately 0.75 acres is size and would be located on the south side of Bestor Street between Fifth Street and Sixth Street. The third park site is planned to be a skateboard park located on the underutilized land underneath Interstate 280 between First Street and Second Street or between Second Street and Third Street. This recreational facility would serve the Martha Gardens and nearby Spartan Keyes neighborhoods and the greater Central San José region. The skatepark is planned to be approximately 0.75 acres. This skatepark is also recommended in the City Council approved South First Area (SoFA) Strategic Development Plan.

A community center is planned to be located within the American Can Company Building on the Martha Park site. It is proposed that in readapting the historic structure into a community center facility every effort should be made to retain the architectural and historic integrity of the building in the exterior and the interior of the structure. The community center is intended to serve not only the residents of the Martha Gardens plan area but also residents from surrounding communities, including the Spartan Keyes, Washington, and University neighborhoods.

There is at this time no specific information on how these parks and recreational facilities would be configured nor is it presently known what amenities or services and activities would be included on any of these sites.

3. Conclusion

The proposed recreational improvements would be compatible existing General Plan goals and policies and would not result in significant adverse impacts. Additional environmental review would be required to determine the potential impacts associated with the proposed recreational facilities. **(Less Than Significant Impact)**

Mitigation Measure to be Considered
At the Time of Future Development

- New development project should be required to meet the requirements of the Park Dedication Ordinance (PDO).

O. TRANSPORTATION

1. Setting

A description of the existing transportation system facilities in terms of the roadway network, intersections, transit service, bicycle and pedestrian facilities and parking is provided below.

Existing Roadway Network

Regional Access

The project area and the surrounding roadway network are illustrated in Figure 8. Regional access to the project area is provided by Interstate 280 and Guadalupe Parkway (SR 87).

I-280 is an eight–lane freeway in the vicinity of the project area. It extends northwest to San Francisco and east to King Road in San José, at which point it makes a transition into I-680 to Oakland. Access to the project area is provided via the I-280 interchange with Seventh Street.

SR 87 is a four-lane expressway/arterial between North First Street and Taylor Street. South of Taylor Street, it becomes a four-lane freeway that continues south until its junction with SR 85. The segment of Guadalupe Parkway between Taylor Street and US 101 is being upgraded to a six-lane freeway, as a part of the Route 87 freeway upgrade project. Access to the project area will be provided via the SR 87 junction with I-280.

Local Access

Local access is provided by Virginia Street, Sixth Street, Fifth Street, Seventh Street, Martha Street, and Keyes Street. These roadways are described below.

Virginia Street is an east-west roadway that forms the northern boundary of the project area. West of South First Street, Virginia Street is classified as a major collector street.

Sixth Street is a north-south local roadway that begins at Humboldt Street and extends to the south of I-280. The roadway continues north of I-280 to San Salvador Street at the southern border of the San José State University campus. North of the Campus, Sixth Street continues to East Younger Avenue.

Fifth Street is a north-south local roadway that extends north from Keyes Street to Patterson Street, located south of I-280. North of I-280, Fifth Street connects Margaret to San Salvador Street. North of University, Fifth Street extends to Commercial Street south of the I-880 and US-101 interchange.

Seventh Street is a north-south roadway that begins at Tully Road and continues north to San Salvador Street, south of the University. North of the University, Seventh Street extends north and terminates at Commercial Street. Seventh Street is classified as a major collector street south of Reed Street.

Martha Street is an east-west local roadway that extends west from Twelfth Street to Monterey Road where it becomes Oak Street

Keyes Street is an east-west roadway that extends east from South First Street and continues to Senter Road, where it becomes Story Road. West of South First Street, Keyes Street becomes Goodyear Street, a minor residential street.

First Street/Monterey Road (SR 82) is a north-south arterial that runs from central San José south to Morgan Hill. In the vicinity of the project area, the roadway is a six-lane arterial. North of Alma Avenue, Monterey Road becomes South First Street.

Existing Transit Service

The Santa Clara Valley Transportation Authority (VTA) has jurisdiction over public transit in Santa Clara County. The VTA currently operates several local bus routes running throughout the project area.

The 82 line provides service between Westgate and Hedding/Seventeenth Street via Hamilton Avenue, Alma Avenue, Seventh Street, First and Second Streets, and Julian and St. James Streets, with 30-minute headways during commute hours. The 25 line provides service between the National Hispanic University (located at White Road and Story Road) and De Anza College via Story Road/Keyes Street, Fruitvale Avenue, Moorpark Avenue, Williams Road, and Bollinger Road, with 10- to 30-minute headways during commute hours.

Other bus lines in the vicinity of the project include bus lines 66, 68, and 73. The 66 line provides service between Santa Teresa Hospital and Milpitas via First Street, Second Street, Monterey Road, Snell Avenue, and Hedding Street, with 15 to 30-minute headways during the commute hours. The line provides service between the Gilroy Transit Center and San José Diridon Station via Santa Clara Street, First Street, Second Street, Monterey Road, Cottle Boulevard, and Santa Teresa Boulevard, with 15 minute headways during commute hours. The 73 line provides service between Downtown San José and Snell and Capitol Expressway via Senter Road, Keyes Street, Tenth and Eleventh Streets, San Fernando Street, and First and Second Streets, with 15-minute headways during commute hours.

Bicycle and Pedestrian Facilities

There are some bikeways within the vicinity of the project area. Bike lanes are provided on Seventh Street, and segments of Keyes Street and Senter Road.

Pedestrian facilities in the project area consist primarily of sidewalks along the streets in most residential and commercial areas. Sidewalks are found along several of the previously described local roadways in the study area and along the local residential streets and collectors near the project area. Fifth Street, between Virginia Street and Martha Street lacks a sidewalk on either side of the roadway.

Existing Intersection Level of Service

The operations of a roadway system are typically described with the operations of the intersections, as intersections represent where the roadway capacity is constrained. Intersection operations are described with the term Level of Service (LOS). The City of San José LOS standard for signalized intersections is LOS D or better. Level of Service is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F or jammed conditions with excessive delays. The LOS definitions are shown in Table 10.

Table 10: Intersection Level of Service Definitions

Level of Service	Definition
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths.
B	Operations with low delay occurring with good progression and /or short cycle lengths.
C	Operations with average delays occurring from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.
E	Operations with high delay values indicating poor progression, long cycle lengths, or high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.
F	Operation with delays unacceptable to most drivers due to oversaturation, poor progression, or very long cycle lengths.

The operations of signalized intersections are evaluated on the average stopped delay for all vehicles entering the intersection. The operations of unsignalized intersections are evaluated based on the control delay for the stop sign controlled movements.

LOS calculations were done for existing intersection operations using volumes obtained from traffic counts. Traffic volumes for background conditions comprise volumes from existing traffic counts plus traffic generated by other approved but not yet built developments in the vicinity of the site. Background peak-hour traffic volumes were calculated by adding to existing volumes the estimated traffic from approved but not yet constructed developments.

Table 11: Existing and Background Level of Service					
Intersection	**AM**	**Existing**		**Background**	
	PM	**Delay**	**LOS**	**Delay**	**LOS**
First Street and Margaret Street (Stop Controlled)	AM	25.1	D	31.0	D
	PM	21.1	C	23.2	C
First Street and Virginia Street (Signalized)	AM	7.6	B	7.6	B
	PM	7.4	B	8.1	B
First Street and Martha Street (Signalized)	AM	2.6	A	2.8	A
	PM	3.7	A	3.7	A
First Street and Keyes Street (Signalized)	AM	19.0	C	19.4	C
	PM	23.4	C-	23.4	C-
First Street and Humboldt Street (Signalized)	AM	10.5	B	11.0	B
	PM	13.4	B-	14.4	B-
Second Street and Virginia Street (Signalized)	AM	8.4	B	8.1	B
	PM	7.5	B	7.8	B
Second Street and Keyes Street (Signalized)	AM	14.0	B-	14.4	B-
	PM	21.24	C	21.5	C
Third Street and Virginia Street (Signalized)	AM	6.5	B+	6.4	B+
	PM	8.7	B	8.8	B
Third Street and Martha Street (Stop Controlled)	AM	10.2	B	10.8	B
	PM	13.6	B	15.5	C
Third Street and Keyes Street (Signalized)	AM	17.5	C	17.7	C
	PM	8.2	B	8.1	B
Fifth Street and Martha Street (Stop Controlled)	AM	10.9	B	11.0	B
	PM	10.5	B	10.6	B
Seventh Street and Virginia Street (Signalized)	AM	17.6	B	18.1	B-
	PM	16.3	C+	17.2	C
Seventh Street and Martha Street (Stop Controlled)	AM	16.7	C	18.1	C
	PM	9.4	A	26.9	D
Seventh Street and Bestor Street (Stop Controlled)	AM	12.7	B	18.5	C
	PM	23.3	C	32.7	D
Seventh Street and Keyes Street (Signalized)	AM	18.8	C	18.8	C
	PM	24.0	C-	24.0	C-
Southbound I-280 off ramp and Virginia Street (Stop Controlled)	AM	24.0	C	26.0	D
	PM	103.1	F	150.1	F

2. Environmental Checklist and Discussion

TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	☐	☐	☒	☐	☐	1,10
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	☐	1,10
3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☒	☐	☐	1,10
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐	☐	1
5) Result in inadequate emergency access?	☐	☐	☒	☐	☐	1
6) Result in inadequate parking capacity?	☐	☐	☒	☐	☐	1,2,3,
7) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☒	☐	☒	1,2,3

Discussion:

Future Roadway Network under Project Conditions

There are a number of changes proposed by the MGSP to the local roadway system. The changes are intended to move vehicles (both cars and trucks) safely through the area; minimize conflicts between vehicles, bicycles and pedestrians; improve pedestrian and bicycle circulation in order to encourage walking and bicycling; and improve the livability of the neighborhood. The proposed modifications to the local circulation system are described in detail below. While it is not possible to predict exactly how travel behavior will occur over the time period when individual components of the MGSP are being implemented, staff of the City's Public Works and Transportation Departments have evaluated the capacity of the proposed system relative to existing and future traffic. Their analysis concludes that

implementation of the MGSP in conformance with the City's Traffic Level of Service and other relevant General Plan policies, will not result in significant adverse traffic impacts.

- ***Fourth Street Railroad Right-of-Way***

  The major circulation change proposed is the conversion of the former "Fourth Street" railroad right-of-way to a sequence of public street segments, pedestrian emphasis streets, pedestrian ways and a pedestrian spine through "Martha Park". The common thread through the reformatted length of the right-of-way will be pedestrian convenience and comfort, with several segments also planned for some level of vehicular circulation.

  The former railroad right-of-way should be incorporated into the Martha Gardens street system between Patterson Street and Martha Street and between Bestor Street and Hollywood Avenue as a "pedestrian emphasis" street, a "pedestrian way," or a neighborhood street. The segment of the Fourth Street railroad right-of-way located between Lewis Street and Martha Street, within the "Arts Quarter," should be converted to a "pedestrian way." The segment located between Bestor Street and Keyes Street should be converted to a "pedestrian emphasis street" to strengthen the connection between Keyes Street and the future park, as well as to provide direct vehicular and pedestrian access to new housing located along the new street.

- ***Lewis Street***

  Lewis Street, intersecting 3rd Street midway between Virginia Street and Martha Street, should be converted to a "pedestrian emphasis street" and extended to connect with the former 4th Street railroad spur. The segment of the Fourth Street railroad spur located between Patterson Street and Lewis Street should also be converted to a "pedestrian emphasis street."

- ***Bestor Street***

  Bestor Street should be extended between Third Street and Fifth Street if it becomes feasible to displace a portion of the historic American Can Warehouse to accommodate the street.

  Should it not be possible to extend Bestor Street along the entire south edge of the future park, Bestor Street should be extended from Third Street to the new Fourth Street in order to achieve as much of the park frontage road and neighborhood grid system as possible.

- ***South Second and Third Streets***

  Second Street and Third Street should be converted to two-way operations south of Interstate 280. This is consistent with other City policies, including the recommendations from the recently completed Downtown Access Study. Funding to implement the conversion of the two streets has not been identified, so the timing of the conversion is uncertain.

- ***South Sixth Street***

  The segment of Sixth Street located between East Virginia Street and Martha Street should be converted to two-way operation and the street width reduced.

- ***Streets Around Public Parks***

  New public parks should be bordered by public streets to ensure maximum public access consistent with long-standing City policies, including policies within the General Plan. The objective is to help achieve a safe and lively public environment for park users and park neighbors as well as the passing public.

- ***Keyes/Hollywood Sub area***

  Rose Place

  The segment of the Fourth Street railroad right-of-way located south of Keyes Street should be converted to a neighborhood street, connecting with the west segments of Humboldt Street and Hollywood Avenue. The new street, called "Rose Place", would improve circulation and access for residents of the Hollywood/Humboldt neighborhood, provide a connection with the future park to the north, and provide side street access to the large properties on either side of it at Keyes Street. If the conversion of the rail right-of-way between Humboldt Street and Keyes Street should prove not feasible, then "Rose Place" should be constructed to at least connect Humboldt Street and Hollywood Avenue.

  South Second Street and South Third Street

  Currently, a large volume of northbound traffic makes a "dog leg" movement from South First Street to South Third Street via Humboldt Street through the Hollywood/Humboldt neighborhood. Traffic is unimpeded and therefore makes these turning movements at relatively high speeds.

  The MGSP includes the following phased improvements to conditions in the Keyes/Hollywood Area:

  First Phase of Street System Modification

  Second Street, between Keyes Street and Humboldt Street, should be converted to two-way operation. Humboldt Street, between South Second Street and South Third Street, should be converted to two-way operation. Vehicles traveling northbound on First Street would be allowed to go northbound onto Second Street at Humboldt Street. This would entail reconfiguring or eliminating the raised island in the center of the Second/Humboldt intersection. Northbound traffic on Second Street would be forced to turn right or left onto Keyes Street. A small raised island would help enforce the turn requirement. This would also require that Second Street either be narrowed to two lanes immediately north of Keyes Street or that traffic in the easternmost through lane on Second Street be forced to turn left onto Keyes Street. New or reconfigured traffic signals would be required at the Keyes/Second intersection to control northbound traffic. In addition, a stop sign would be added on eastbound Humboldt Street at Third Street. Vehicles traveling westbound on Humboldt Street would be forced to turn right onto Second Street and would be controlled with a stop sign.

Final Phase of Street System Modification

Ultimately, South Second Street and South Third Street should be converted to two-way operations all the way north, to Interstate 280. The intersection of South Third Street and Humboldt Street would have stop signs on all approaches. The Keyes Street intersections with South Second Street and South Third Street would continue to be signalized. New signals would be added to the southbound Third Street approach. The Second Street and Third Street approaches at Keyes Street would either have one lane accommodating all movements or two lanes – one for left turns and one shared between through movements and right-turns. Vehicles traveling westbound on Humboldt Street would continue to be forced to turn right onto Second Street and controlled by a stop sign.

- ***Connect East and West Segments of Humboldt Street***

  In addition to the changes associated with "Rose Place" described in the above text, the MGSP shows another new street segment connecting "Rose Place" with the east section of Humboldt Street in the Spartan Keyes neighborhood. The extension of Humboldt Street could provide additional pedestrian and vehicular connections for residents of the Hollywood/Humboldt and Spartan Keyes areas and end Hollywood/Humboldt's relative isolation. Residents, however, have expressed concerns about traffic associated with Spartan Stadium utilizing the extended Humboldt Street as an additional exit from the stadium events. Traffic calming measures could assist in discouraging and/or preventing cut-through traffic but it is unclear to what extent. Humboldt Street should be extended for its positive benefits but only if residents in both neighborhoods are confident that Spartan Stadium cut through traffic can be avoided.

- ***Traffic Calming***

  The MGSP proposes a program of traffic calming methods to protect neighborhood streets from cut-through traffic and excessive speeds. Traffic calming measures are proposed at many of the MGSP area intersections. New traffic signals, which will facilitate pedestrian crossings, are proposed at Keyes Street and Second Street, Virginia Street and Sixth Street, and Martha Street and Seventh Street (under construction). A new stop sign may be proposed at Virginia Street and Fifth Street and/or street "chokers". Proposed traffic calming measures consist primarily of "bulb-outs" at intersections and "neck-downs" at several mid-block or "T" intersection locations. The bulb-outs and neck-downs are intended to narrow the right-of-way for limited distances to slow but not impede traffic. Additional measures or modifications may be considered as the plan is implemented.

Long-Term Transportation Impacts

The methodology used by the City for evaluating transportation impacts from General Plan amendments does not require that a TRANPLAN[12] model analysis be prepared for this project.[13] The estimated number of new PM peak hour trips resulting from the proposed land use change is below the exemption threshold established for this area and is within the

[12] TRANPLAN is a transportation planning software system that the City of San José's uses to implement their traffic forecasting model. The model helps the City project PM peak-hour traffic impacts attributed to proposed changes to the City's General Plan.
[13] Manuel Pineda, City of Jose, Department of Transportation, September 22, 2003.

capacity of planned roadway infrastructure. Therefore, this General Plan amendment is exempt from a computer model (TRANPLAN) traffic impact analysis.

While the project that is evaluated in this Initial Study has a greater level of detail than is sometimes the case for General Plan amendments, it is not a specific development proposal and the details that are typically available for a development proposal (such as timing of construction, amount and location of parking, specific points of access, etc.) are not known. The decision that is contemplated with the Martha Gardens Specific Plan is related to an overall land use scenario and the possible realignment/reconfiguration of certain elements of the transportation system. There are anticipated levels of development, provision for certain public infrastructure (a school, parks and a community center), and direction on how the various elements are intended to relate to each other.

Because most of the actual development will depend on the private sector for implementation, and all of the infrastructure (including the school) will be dependent on future funding, the timing of these individual improvements, absolutely and relative to each other, is unknown.

Near term project specific analyses may need to be done as individual elements of the roadway modifications and/or development projects and/or public facilities are proposed, in order to meet the City's General Plan Level of Service policy and to identify localized impacts from implementation of those individual elements in the context of the physical environment that exists at that point in time.

3. Conclusion

The proposed project would not result in substantial impacts to transportation, circulation, or traffic impacts. **(Less Than Significant Impact)**

P. UTILITIES AND SERVICE SYSTEMS

1. Setting

Water Service to the project area is provided by San José Water Company.

Sanitary Sewer lines are owned and maintained by the City of San José.

Storm drainage lines in the area are also provided and maintained by the City of San José.

Residential solid waste and recycling collection services in the area are provided to single-family housing development by Norcal Waste Systems of San José. Multi-family housing is served by the Green Team of San José. Residential waste is disposed at the Newby Island Sanitary Landfill.

Industrial and commercial solid waste collection in San José is provided by a number of non-exclusive service providers and the waste may be disposed at any of the four privately owned landfills in San José. The existing disposal facilities in San José include the Newby Island Sanitary Landfill, Guadalupe Mines Rubbish Disposal Site, Kirby Canyon Sanitary Landfill, and Zanker Road Disposal and Recycling Center. According to the Source Reduction and Recycling Element prepared for the City of San José and the county wide Integrated Waste Management Plan, there is sufficient landfill capacity for the needs of Santa Clara County for at least 23 more years.

Recycling services are available to most businesses from private recyclers. The City of San José Environmental Services Department also offers information and assistance to businesses wishing to recycle, or expand their recycling activities.

Natural gas and electric service are provided to the project area by Pacific Gas and Electric. SBC presently provides communication services to the project area.

2. Environmental Checklist and Discussion

UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒	☐	1,2
2) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐	1,2

UTILITIES AND SERVICE SYSTEMS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
3) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	☐	1,2, 4
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	☐	1,2,4
5) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	☐	1,2,4
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒	☐	1
7) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒	☐	1

Discussion: The existing utilities and service systems that serve the MGSP area have adequate capacity to accommodate the incremental increase in demand resulting from the proposed implementation of the MGSP.[14]

3. Conclusion

The proposed project will not exceed the existing capacity of the utility system. **(Less Than Significant Impact)**

[14] Britta Buys, City of San Jose, July 2003.

Q. MANDATORY FINDINGS OF SIGNIFICANCE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐	☐	1,2,4, 4,14, 15
2) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐	☐	1,2,4, 7,14, 15
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	☐	1,2,4, 4,14, 15

Checklist Sources

1. CEQA Guidelines - Environmental Thresholds (Professional judgement and expertise and review of project plans)
2. City of *San José 2020 General Plan*
3. City of San José Zoning Ordinance
4. City of San José, *Draft Martha Gardens Specific Plan*, Sept. 2003.
5. Santa Clara County Important Farmlands Map 2000
6. Bay Area Air Quality Management District CEQA Guidelines, 2001
7. Lowney Associates. Limited Area Survey. June 2003
8. Cooper-Clark & Associates. Geotechnical Investigation City of San José's Sphere of Influences. Technical Report and Maps. 1974
9. Geomatrix Consultants, Inc. Evaluation of Liquefaction Potential in San José, California. Final Geotechnical Report. 1992
10. City of San José, Department of Transportation. Memo, September 2003.
11. FEMA Flood Insurance Rate Maps, 1988
12. California Department of Conservation Division of Mines and Geology, Geologic Map of the San Francisco-San José Quadrangle, 1990
13. Soil Conservation Service. *Soils of Santa Clara County*, June 1968
14. Illingworth & Rodkin, Inc. Noise Assessment. October 2002.
15. Holman & Associates. Cultural Resources Report.

V. REFERENCES

Bay Area Air Quality Management District CEQA Guidelines, 2001.

California Department of Conservation. *Important Farmlands Map of Santa Clara County.*

City of San José, Department of Planning Building and Code Enforcement, *Draft Martha Gardens Specific Plan,* June 2003

City of San José. (revisions). *San José 2020 General Plan.*

City of San José, Department of Transportation. *Memo*, September 2003.

Cooper-Clark and Associates. *Geotechnical Investigation City of San José's Sphere of Influence*. Technical Report and Maps. 1974.

Geomatrix Consultants, Inc. *Evaluation of Liquefaction Potential in San José*. May 1992.

Holman & Associates. Cultural Resources Report. June, 2003

Illingworth & Rodkin, Inc. Environmental *Noise Assessment*. May, 2003.

Lowney Associates. *Limited Area Survey*. June 2003

Soil Conservation Service. 1968. *Soils of Santa Clara County*, USDA.

VI. AUTHORS AND CONSULTANTS

Authors: **City of San José**
Patricia Colombe, Department of Planning, Building and Code Enforcement
Mike Brilliot, Department of Planning, Building and Code Enforcement
Britta Buys, Department of Planning, Building and Code Enforcement
Susan Walsh, Department of Planning, Building and Code Enforcement

Consultants: **David J. Powers & Associates**
Michelle Yesney, Principal
Julie Mier, Project Manager
Stephanie Grotton, Graphic Artist

Basin Research Associates
Colin Busby, Principal

Illingworth & Rodkin
Rich Illingworth, Principal

Lowney Associates
Ron Helm, Senior Principal Geologist